THE DVTIES OF Conſtables, Borſholders, Tythingmen, and ſuch other low and Lay Miniſters of the Peace.

VVhereunto bee adjoyned the Severall offices of Church-Miniſters, And Church-wardens, and Overſeers for the Poore, Surveyors of the High-wayes, and Diſtributers of the proviſion againſt noyſome Fowle and Vermine.

First collected by WIL. LAMBARD of *Lincolnes Inne*, GENT.

And now carefully corrected, and profitably augmented.

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The duties of Constables, Borsholders, Tythingmen, and such other low Ministers of the peace.

VNderstanding by sundry friends of mine, that many well disposed men doe earnestly wish, that some one short and plaine collection might be made of the duties of High Constables, petite Constables, Borsholders, Tythingmen, Headborowes, and such like inferiour Ministers of the Kings Maiesties Peace; to the end that when any of them should be called to any of the said offices (or the like) they might the better behaue themselues in doing the same: I haue thought it a thing worthy the labor, to send abroad amongst them this little Treatise, which I haue drawne to satisfie in some part their honest desire: heartily praying vnto God, that as their knowledge may be increased in the reading hereof, so also their diligence may

The Preface.

be amended in the practice of the same, to the setting forth of the glory of God, and to the aduancement of the Kings Maiesties seruice in this behalfe.

The diuision of this worke.

2. And because I purpose (by the helpe of God,) to make this worke so short, and so plaine withall, as the matter thereof it selfe will suffer me, and as the vnderstanding of vnlearned men doth require: I will first speake somewhat, both of the sundrie names and beginnings of these officers, and then afterward I will goe in hand with the parts of their seuerall duties.

The names of the officers.

3. The sundry names of Constables, or High Constables, that bee of Laths, Rapes, Wapentakes, Hundreds, and Franchises, and the diuers names also of Constables, pety Constables, Tythingmen, Borsholders, Borowheads, Headborows, Chiefe pledges, and such other (if there bee any) that beare office in townes, parishes, hamlets, tythings or borowes (for the Constables of Castles, otherwise called Castellans, and such others, I meane not to entreat) are all (in effect) but two, that is to say, Constables and Borsholders: for these two words doe containe as much as all the rest of those names, and to those two all the rest of them may bee reduced: and therefore in speaking seuerally of those two, I will passe along and touch all the rest also.

4. The

4. The name Conſtable, is made (as I haue read) of two Engliſh wordes put together, namely, cunning (or crying) and ſtaple, which doe ſignifie, the ſtay (or hold) of the King. For by the ancient cuſtome of the Realme, there is a great Officer called the Conſtable of England, who by meanes of the high authority that he had, was a principall ſtay vnto the Kings gouernment, and this man had iuriſdiction and authority in déeds of Armes, and matters of warre, both with- 31.R.2. ca.12. in & without the Realme. Out of which office, this lower Conſtableſhip was at the firſt drawne and fetched, and is (as it were) a very finger of that hand. For the ſtatute of Wincheſt. which was made in the time of King Edw. the firſt, and by which theſe lower Conſtables of Hundreds and Franchiſes were firſt ordained, doth (among other things) appoint, that for the better keeping of the Peace, two Conſtables in euery Hundred and Franchiſe, ſhould make the view of Armour. 13.E.1.

Conſtables name.

His beginning.

So then, the name of Conſtable in a Hundred or Franchiſe, doth meane that he is an officer that ſupporteth the Kings Maieſtie in the maintenance of his peace, within the precinct of his Hundred or Franchiſe; and he is many times called the High Conſtable, in compariſon of the conſtables, or petty conſtables, that be in the townes or pariſhes within his Hundred or Franchiſes: whoſe part

it likewise is, to maintaine the peace within the seuerall limits of their owne townes or parishes.

Borsholders name.

5 As touching Borsholder (which is the other generall name, & doth containe within it the meaning of Tythingmen, Borowheads, Headborowes, Thirdborowes and Chiefe Pledges) that also is made vp of these two English words, Borhes and Ealder, of the which, Borhes betokeneth Pledges, and Ealder signifieth the Chiefe, the Head, or the Ealder: and Borshealder in one word doth meane the chiefe (or head) of the sureties, or pledges.

His two offices.

6 But now, that you may the better vnderstand what is meant by this, you must further know, that euery of these Borsholders, Tythingmen, Borowheads, Headborowes, Thirdborowes, and Chiefe Pledges, hath two seuerall offices at this day: the one being his ancient and first office, and the other his later made office.

His first office.

7 His first office began thus: By the ancient lawes of this Realm (before the comming of King William the Conquerour) it was ordained for the more sure keeping of the Peace, and for the better repressing of theeues and robbers, that all free born men should cast themselues into seuerall companies, by ten in each company: and that euery of those ten men of the company, should bee surety Archiaonomia.

and

and pledge for the forthcomming of his fellowes: ſo that if any harme were done by any of theſe ten againſt the Peace, then the reſt of the ten ſhould bée amerced, if he of their company that did the harme ſhould flye, and were not forthcomming to anſwer to that wherewith he ſhould be charged.

And for this cauſe, theſe companies bée yet in ſome places of England (and namely with vs in Kent) called Borowes, of the ſaid word Borhes, Pledges, or Sureties; albeit in the weſterne parts of this realme they be commonly named Tythings, becauſe they containe (as I told you) the number of ten men with their families. And euen as ten times ten doe make an hundred; ſo, becauſe it was then alſo appointed that ten of theſe companies ſhould at certain times méet together for their matters of greater weight, therefore that generall aſſembly (or Court) was (and yet is) called a Hundred.

Furthermore, it was then alſo ordained, that if any man were of ſo euill credit that he could not get himſelfe to bée receiued into one of thoſe Tythings or Borowes; then he ſhould bée ſhut vp in priſon, as a man vnworthy to liue at liberty, among men abroad.

Tythingman, Headborow, &c.

8 Now whereas euery of theſe Tythings (or Borows) did vſe to make choyce of one man among themſelues, to ſpeak,

and to do in the name of them all: he was therefore in some places called the Tythingman, in other places the Borroes Elder (whom wee now call Borsholder) in other places the Borohead, or Headborow, & in some other places the Chiefe Pledge, which last name doth plainly expound the other three that are nert before it: for Head or Elder of the Borroes, and Chiefe of the pledges, be all one: and in some shires, where euery Thirdborow hath a Constable, there the Officers of the other two be called Thirdborowes.

Old orders in tythings.

9. Moreouer in these Tythings (or Borroes) sundry good orders were obserued: and amongst others, first, that euery man of the age of xii. yeares should be sworne to the King: then that no man should bee suffered to dwell in any towne or place vnlesse hee were also receiued into some such suretiship & pledge as is aforesaid. Thirdly, if that any of these pledges were imprisoned for his offence, then he ought not to bee deliuered without the assent of the rest of his pledges. Againe, that no man might remoue out of one Tything (or Borroe) to dwell in another, without lawfull warrant in that behalfe. Lastly, that euery of these pledges should yearely bee presented and brought forth by their Chiefe pledge at a generall assembly for that purpose, which we yet in remembrance thereof doe call the View of Frankpledge, or the Leete Court.

Ie'n. Kanc. Vid. 45. Ed. 3. 27. & Kitc. fol. 12.

10. Hitherto

10. Hitherto I have opened the ancient office of the *Borſholder, Tythingmen,* and the reſt, whereof alſo there is yet to this day ſome ſhew or remnant in our *Leetes* (or *Law* dayes) but if the verie ſubſtance thereof were thoroughly performed (as I know no let, but that by law it may) then ſhould the peace of the land be much better maintained than now it is.

As touching the latter office that theſe Borſholders, Tythingmen, Headborowes, Boroheads, Thirdboroes, and Chiefe Pledges haue, it is in manner all one with the office of a Conſtable of a towne or pariſh, which is commonly named a petite Conſtable, or vnder Conſtable, becauſe hee is a ſmall Conſtable in reſpect of the Conſtable of the Hundred, within whoſe limit he is. For as about the beginning of the reigne of King E. 3. pety Conſtables were diuiſed in townes and pariſhes for the aid of the Conſtables of the Hundred: ſo of latter times alſo Borſholders, Tythingmen, Headborowes, ſuch like haue bin vſed as pety Conſtables, within their owne Borowes and Tythings. And yet not ſo vniuerſally, but that ſome of them haue at this day none other but their old Office. For in ſome of the Weſterne parts of England you ſhall ſee, that where there bee many Tythingmen in one pariſh, there onely one of them is a Conſtable for the King, His latter office.

King, and the rest doe serue but as the ancient Tythingmen did. Now therfore hauing spoken of the names and beginnings of these inferiour Officers of the Peace, let vs also come to the parts of their common and seuerall duties.

Diuision of their office.

11 Forasmuch as a great and chiefe part of the duty, both of these high Constables of Laths, Rapes, Wapentakes, Hundreds, and Franchises: and also of these Constables, petite Constables, Tythingmen, Borsholders, Borowheads, Headborowes, Thirdborowes, Chiefepledges, and such like Ministers by whatsoeuer other names they be called in any Towns, Parishes, Tythings, Borowes, Hamlets or other places of the Realme, doth consist in the maintenance of the Kings Maiesties peace, wherein (as also in some other points) the power of them all is alike, and but one, within their seuerall limits & places of authority: therefore I thinke it good to shew first, what their common and equall duty is in matters concerning the peace, eyther by their owne authority, or vnder the authority of others: then afterward to declare, what their common and like duty is in some other things not concerning the peace: lastly, to open those things wherein they haue a distinct and seuerall duty, one from another of them.

12 The Conseruation (or maintenance) of the peace standeth in three things:

things: that is to ſay; firſt, in foreſéeing that nothing be done, that tendeth either directly, or by meanes, to the breach of the peace: ſecondly, in quieting or pacifying thoſe that are occupied in the breach of the peace: and thirdly, in puniſhing ſuch as haue already broken the peace. Their office concerning the Peace.

And here, leſt any man ſhould bée deceiued in not vnderſtanding what is meant by theſe words, The breach of the peace, hée muſt firſt of all know, that by the breach of the peace is vnderſtood, not onely that fighting which wée commonly call the breach of the peace; but alſo that euery murther, rape, manſlaughter, and felony whatſoeuer, and euery affraying (or putting in feare) of the Kings people, whether it be by vnlawfull wearing of Armour, or by aſſembling of people to doe any vnlawfull act, are taken to be diſturbances or breaches of the Peace. What is the breach of the Peace.

13. H. 7. 10. Cur. 13 But now for the better preuenting that nothing be done againſt the Peace, any of theſe Officers aforeſaid may take (or arreſt) ſuſpected perſons which walke in the night, & ſléepe in the day: or which do haunt any houſe, where is ſuſpition of bawdry, and they may carry them before a Iuſtice of the Peace, to finde ſureties of their good behauiour. And if any ſuch Officer be not of ſufficient ſtrength to doe that alone, then may hée take mét aide of To preuent things againſt the Peace.

of his neighbours thereto, & they, in such cases be compellable to help & assist him.

Any of these Officers may also arrest such strange persons as do walke abroad in the night season, and for that cause the said statute of Winchest. did ordaine, that night watch should be kept yearely, from the feast of the Ascension vntill Michaelmas, by six men at every gate of every Citie, by twelue men in every Borough towne, and in every other towne by six men, or foure men, according to the number of inhabitants in the towne, all the night long, from Sun setting to Sun rising; so that if any stranger did passe, he should be arrested till the morning, and then set at large (if no suspition were found of him) but if any suspition fell out against him, then he should be imprisoned, till he might be lawfully deliuered. And of these watches the officers before named haue the charge within the limits (or places) of their authorities, as the Constable in his towne, the Borsholder in his borow, & the high Constable within all his Hundred: and these Officers ought to see these Watches duly set and kept, and ought also to cause Huy and Cry to bee raised after such as will not obey the arrest of such watchmen. Fit. in Iust. del. P. 171. 5. Ed. 3. 14. 13. Ed.

Againe, if any person whatsoeuer (except the Kings seruants and Ministers in his presence, or in executing his precepts, or other offices, or such as shall assist Sta. Nor. 2. R. 3. ca. 3.

aſſiſt them: and except it be vpon Hue and Cry made to keep the peace, & that in places where acts againſt the peace doe happen) ſhall be ſo bold, as to goe, or ride armed by night or by day, in Faires, Markets or any other places: then any Conſtable, or any other of the ſaid Officers may take ſuch armour from him for the Kings vſe, and may alſo commit him to the Goale. And therefore it ſhall be good in this behalfe for theſe Officers to ſtay and arreſt all ſuch perſons as they ſhall finde to carry Dagges or Piſtols, or to be apparelled with priuie coats, or doublets: as by the Proclamation made in the xxi. yeare of the reigne of the late Queene Eliz.) they are ſpecially commanded. 21. El. Reg.

Furthermore, if any great aſſembly or rumour of people be made in manner of inſurrection, then the Sherifs, Conſtables, & theſe ſaid other Miniſters hauing knowledge thereof, ought to go with the ſtrength of the Countie, and to ſet themſelues againſt it, and ought alſo to take and impriſon ſuch offendors. 17. R. 2. 8.

Laſtly, if any man doe threaten to kill another, and he which is ſo threatned doe pray any of theſe Officers to arreſt the other to find ſureties of the Peace: then may ſuch an Officer arreſt him to finde ſuch ſurety before a Iuſtice of the Peace, and may alſo carry him to priſon, if he refuſe to find it; But if he yeld to goe, it Barre 202. en Fitz. 22. d. 4. 35. Br. 2.

shall be good to take the party threatned, to the Iustice with him.

To pacifie and punish the breach of the Peace.

14 Thus much I haue spoken of those things which do bend towards the breach of the peace: but now I will come nearer to the breach it selfe, and withall to the pacifying and punishing of the same.

If therefore a Constable, or any other of the said officers shall see any men going about to breake the peace, as by vsing hot words, by which an Affray is like to grow: then ought such Officers to command those persons to auoid vpon paine of imprisonment: and if they will not depart, but shall draw weapon, or giue any blow, then ought he to doe his best to depart them, and to keep them asunder: and he may (for the purpose) both vse his owne weapon, and may also call others to assist him. In which doing, if any such Officer, or other person comming on his part doe take hurt, he shall haue good remedy by action against him that did the hurt: but if any of them that made the Affray be hurt by such officer, or by any of his company, then such a hurt person hath no remedy at all for it. 3 H 7. 10. 21. H. 7. 21.

And if he that maketh an Affray doe flye into a house when such an officer commeth to arrest him: then may that officer breake open the dores to take him: and if he that made the Affray, doe flie from thence also, yet may the officer follow him, and in fresh suit take him, 13. Ed. 4. 9.

though

Though it bée in another Shire or County.

So, if two men bée fighting together in a houſe (the doores being ſhut) yet may ſuch an officer breake open the doores to cauſe the peace to bée kept, though none of the parties haue taken hurt. And in both theſe caſes ſuch an officer may carry them before a Iuſtice of the Peace to finde ſurety for the peace; becauſe they haue broken the peace already, and are méete to bée bound that they ſhall not breake it againe.

Fitz. 172. 38. E. 3. 6. & 22. L. aſſ. 56. But if any of the parties to an Affray haue receiued any dangerous hurt, then ought ſuch officer to arreſt him that did the hurt, and to carry him to the Gaole, there to remaine till he find ſurety to appeare at the next Gaole deliuery: otherwiſe, hée may with leſſe labour carry him to a Iuſtice of the Peace, or to a Coroner, who ought to take order for ſuch ſurety, becauſe the fact may fall out to be Felony, if ſo be that hée which was hurt doe happen to die within one yeare and a day next following ſuch hurt vnto him.

5. H. 7. 6. And as theſe Officers ought to arreſt thoſe that do make aſſault vpon any priuate perſon; ſo alſo they may arreſt any ſuch as ſhall make aſſault (or Affray) vpon themſelues whileſt they be in doing their offices: and may for that purpoſe both lawfully defend themſelues, and alſo

also take the offendors, and commit them to the Goale, or carry them to a Iustice of the Peace, for the finding of such surety as is aforesaid.

But if one doe assault a man in or nigh the high way to rob him, and bee taken by the true man, or by any other, and be brought to the Constable, or such other Officer of the place: then ought such Officer, not onely to take him to his ward, but also to carry him before a Iustice of peace to cause him to giue surety for his Good abearing. Barre 101. in Finch.

So, if any man doe suspect another of Murder or Felony, and doe declare the same to any such Officer of the Peace, then such Officer may arrest the suspected person, and he shall doe well to carry him to a Iustice of the Peace together with him that doth suspect him, to the end that they both may be examined as appertaineth. Yea, any of these said Officers may search within the limit of his authority for any persons suspected of Felony: for it is a chiefe part of their office to represse Felons. 5.E.c.14 17.E.4.5. 2.Ed.4.9.

And therfore any of these Officers may (of his owne authority) arrest one that is indited of felony: So if the common voice and fame be, that A. B. hath done a felony, that is sufficient cause for any of these Officers (that shall thereof suspect him) to arrest him for it. 5.H.7.4. 5.

And if any man shall flie vpon felonie,

it

is the Office of the Conſtable of the towne, or of any of theſe other Officers there, to ſeiſe his goods, and to keep them ſafely: for he is to anſwer for the loſſe or impairing of them, and therefore it is meet that hee do it by Inventory taken in the preſence, and by the teſtimony of the honeſt neighbours.

3.Ed.3. Itin. Northumb.

1.H.7. 7. And I like well of their opinion, which do hold, that if information be giuen to any ſuch Officer, that a man & a woman be in adultery or fornication together, then the Officer may take company with him, and that if he find them ſo, he may carry them to priſon.

3.H 49. 22.E.3. 35. But this is to be marked, that in the caſes before, and ſuch like, where ſuch an Officer hath arreſted, or hath in his ward any offendour that ought to be carried to the Goale, there ſuch an Officer is not bound forthwith to carry him, but may well for a reaſonable time keep him in the ſtockes, vntill that conuenient proui-ſion of ſtrength may be made to conuey him ſafe thither. And when he ſhall bring ſuch offendour to the Goale, then ought the Goaler to receiue the ſame freely, without taking any thing of the Officer for it.

4.E.3. & 10.

15 Hitherto (as you ſee) I haue ſpoken of the Conſtable, and of theſe other Officers ſo farre onely as they haue authority by their owne offices, without any commandement from others. But foraſ-

Seruing of precepts.

much as a great part of their dutie concerning the Peace, resteth in the making of due execution of the precepts of higher Officers, and especially of the Iustices of the Peace, who be (as it were) immediatly set over them; let us also see after what manner these Constables, and other the said inferiour Ministers of the Peace, ought to behave themselves in that behalfe.

Precepts. Albeit then that the sayd Officers bee subiect to the commandements of the Iustices of Goale deliuery, and of Oyer and Terminer, and of some higher Iustices, yea, & to the precepts of Coroners also, and of other Officers in some certain cases; yet because most commonly they are called vpon by the Iustices of peace, they ought specially to shew themselues obedient to their Precepts, who (as it may appeare by some old Presidents) haue authority to remoue insufficient Constables and Borsholders, and to substitute able persons in their place. Neither ought these Officers to dispute whether their commandements bee grounded vpon sufficient authoritie or no: as knowing that although a Iustice of the Peace (which is a Iudge of Record) should direct a Warrant beyond his authoritie to a Constable, or one other of the sayd Officers, yet shall such Officer be holden excused for executing the same, howsoeuer that Iustice of

14 H. 8. cap. 18. 21 H. 7. 22.

Peace

Peace himſelfe be blamed for it.

If therefore a Warrant of the Peace or good abearing, happen to be directed to any of theſe ſayd Officers, then ought he with all ſpéed and ſecretie to find out the partie: and then alſo may he lay his hands vpon him, and ſhew him the matter, and to require him in the Kings name to go with him, to put in ſurety according to the warrant. And this if the partie ſhall refuſe to do, then ought ſuch Officer forthwith to arreſt him, and to conuey him to priſon, without carrying him to any Iuſtice: in which doing, if the partie ſhall offer any reſiſtance, or ſhall ſéek to eſcape, then alſo may ſuch Officer iuſtifie the beating or hurting of him. 21.H.7. 39.

But if the partie ſhall yéeld to go and giue ſurety, and yet will not go to ſuch Iuſtice as made out the warrant, but to ſome other Iuſtice, then ought ſuch Officer to giue him that libertie, ſo that it be not farre out of the limit: for elſe ſo great trauell might follow vpon the Officer, as rather he than the offender might ſéeme to bée puniſhed by it. 21.H.7. 20.

And here the Officer muſt take regard and conſider, whether the Warrant do come directly from the méere authoritie of the Iuſtices of Peace, or elſe be grounded vpon a writ of Supplicavit, ſent downe from higher authority (which difference ought to appeare plainly in all

warrants that be well & orderly made.) And if the Warrant be grounded vpon such a writ, then may such Officer compell the partie to go to the very same Iustice or Iustices of Peace that made out the Warrant, and otherwise he may carry him to prison, as is sayd before.

Neither is it requisite that such an Officer should dance after the partie (as many vse to do) vntill he can find out sureties: but hee may lawfully keep him vntill that hee can get sureties to come vnto him: the ignorance of which point is the cause both that many an evill man escapeth, and many an honest Officer is punished for it.

But here it hapneth many times, that the partie (hearing that such a Warrant is granted against him) offereth himselfe with sureties for that cause vnto some other Iustice of Peace, or findeth such suretie in some of the Courts at Westminster, and so hath a Supersedeas ready to shew such Officer as commeth to him with a Warrant as is aforesayd. Now, if that be so, then is the Officer discharged thereby, and ought not any further to molest the partie; but yet it shall be good, that such Officer do keep the Supersedeas for his better discharge, and shew it to the Iustice from whom he receiued the commandement of service, lest otherwise hee bee called to account for not serving the Warrant

that

that was ſent vnto him.

21. Iac. 8. And here likewiſe it is to be noted, that now by a ſtatute (made in the one and twentieth yeare of the reigne of our late Soueraigne Lord King Iames) all ſuch writs of Superſedeas are voyd, and of none effect, vnleſſe the proceſſe of the Peace, or good behauiour (vpon which ſuch Superſedeas is grounded) bee granted vpon motion in open Court, firſt made, and vpon ſuch ſufficient ſureties, as ſhall appeare to the Iudge or Iudges of the ſame Court vpon oath to bee aſſeſſed at fiue pounds lands, or ten pounds goods in the Subſidy booke at the leaſt; which oathes, and the names of ſuch ſureties, with the places of their abode, and where they ſtand ſo aſſeſſed in the Subſidy bookes, ſhall bee entred and remain of record in the ſame Court: And vnleſſe it ſhall alſo appeare vnto the ſame Iudge or Iudges, from whom ſuch Superſedeas is deſired, That the proceſſe of the Peace or good behauiour is proſecuted againſt him or them (deſiring ſuch Superſedeas) Bona fide, by ſome partie grieued in that Court, out of which ſuch Superſedeas is deſired, to bee ſo awarded and directed.

22. lib. Aſſ. 55. Coron. 261. 288. 318. in Fitzh. If a Warrant be directed to a Conſtable or ſuch other Officer, to arreſt one that is indited of felony, then may ſuch Officer iuſtifie the killing of ſuch a partie, if it be ſo, that he cannot otherwiſe

take him: or if so be that he resist or flie when he is taken.

Finally, the Constable, or such other of the sayd Officers, having arrested any to be conueied to the Goale, must take good heed, that he do not willingly or negligently suffer such partie to escape from him. For if the arrest were for felony, then by a willing escape, the Officer himselfe becommeth a felon also. And of whatsoeuer other kinde the offence be, if the Officer do by his will or negligence, suffer the partie to escape from him, he shall be fined for it, according to the quantitie of his fault by the discretion of those that shall be Iudges of it. And lest any such Officer should flatter himselfe in thinking that he may passe through with some easie Fine: I let him know, that the Iudges of his fault, may set his fine equall with the value of all his goods, if in their discretions his default do so require. 11.4.H. 24. Stamf. 35.

The equall duty of these Officers in matters besides the Peace.

16 Thus haue I performed the first part of my promise, and haue shewed what is the equall and like dutie of euery of the sayd Officers in matters concerning the Peace, both by their owne authoritie, and also in doing the commandements of the Iustices of peace. Now therefore I must goe forward to the second part of my purpose, and am to declare their like dutie in other points of service that doe not concerne the peace:

for

for equall power is indifferently given to any of thoſe Officers by ſome Statutes of the Realme, whereof thoſe that follow be the chiefe and principall.

Attendant for the execution of Statutes.

34.H.8. c.10. & 37.H.8. cap.7.

17 All Conſtables, and other the ſayd Officers ought to be attendant, ayding, and aſſiſting to the Juſtices of Peace, for the execution of all and euery the Acts (made in, or before the Parliament, holden in the 33. yeare of the reigne of King Henry the eighth) concerning Retainers, giuing of liueries, maintenance, embracery, bowſtaues, archery, vnlawfull games, foreſtallers, regrators, vitaile, vitailers, and Inne-holders, or any of them, vpon pain that the ſayd Conſtables, and other the ſayd Officers ſhall make ſuch fines, as by two of the ſayd Juſtices of Peace ſhall be aſſeſſed.

But note that now all Statutes that concerne giuing of Liueries, are repealed. 3,C. 4.

Phyſitians.

14. H. 8. cap. 4. 5. 32. H. 8. cap. 2. 1. Ma. par 4. cap. 9.

18 All Conſtables, & other the ſayd Officers within London, or within ſeuen miles thereof, ought (vpon requeſt made) to ayd and aſſiſt the Preſident of the Colledge of the Phiſitians of London, and other perſons authoriſed for the due execution of the Statutes made concerning Phyſitians, Apothecaries, and Surgeons.

Purueyors.

23. H. 8. cap. 14.

19 If any perſon ſhall (without lawfull bargaine) purueiw or take any thing of any of the Kings Liege people to the vſe of any (other than the King and his houſe) and thereof notice be giuen to the Conſtable, or ſuch other Officer of the

place, then ſuch Officer ought (vnder the pain of xx. pounds) to arreſt ſuch taker, and to carry him to the next priſon.

No Purueyour of the King ought to take any horſe or cart, but by the deliuery of the Maior, Bailiffe, Conſtable, or ſuch other Officer of the place whence that taking ſhall be. 28.H.6. ſta.2.c.1.

Corne ought to be taken for the Kings houſe by ſtriked meaſure of eight buſhels to the quarter, according as is uſed throwout the land: and the takers of all things to be taken for the Kings houſe, ſhall make their puruepance by the very value thereof, by the view of the Conſtable, or other ſuch Officers, and by appraiſement vnder oath of foure other good men of the towne where the taking ſhall be: and ſuch takings ſhall be made without driuing the praiſors by compulſion, menacing, or other villany, to ſet any other price than their oath will, and as commonly runneth in the next markets. 25 E.3. cap.1. 36.E.3. ſta.2. c.3.

Takers, Vndertakers, their deputies or ſeruants, ſhall not take any Bœues, Weathers, Lambs, Calues, or any kind of ſalt fiſh, or any kind of graine, or any Butter in any veſſels, or Cheeſe, Bacon, Conies, Pigs, Geeſe, Capons, or Hens, but by commiſſion; and a Blank thereto for that ſhire annexed: in which Blank the ſayd ſeuerall things to be taken, and the prices of them ſhall be written; and to which Blank the High Conſtable, petty Con- 2. & 3.P. & M.c.9.

Conſtable, or Headborough of the place where any ſuch taking ſhall bée, ought to ſubſcribe his name or ſigne mannell. And ſuch taker ought then alſo to make a briefe or bucket in writing ſubſcribed with his name containing euery of the ſaid things ſo taken in euery place: and ought then alſo (vnder the pain of an hundred marks) to deliuer the ſame to the ſaid high Conſtable, petty Conſtable, or Headborow, who alſo ought to deliuer it ouer to the Juſtices of the peace at their next generall Seſſions within the Countie.

10.E.3. cap.1. 20 In the takings for the Kings houſe, Tailes (or Indentures) ought to be made and ſealed betwéen the taker and the owner (in the preſence of the Conſtable, or ſuch other Officer, and the Praiſors of the place) by which tailes (or Indentures) ſatisfaction ought to be made to the owner for his things ſo taken.

20.H.6. cap 8. 21 If any taker will make purueyance of any things (not exceéding the value of forty ſhillings) and make not ready payment in hand therefore, it is lawfull for the owner to retain the thing ſo taken, & to reſiſt ſuch purueyance: and the Conſtable, Tything-man, or chiefe Pledge of the place (being thereto required by the owner) ought to ayd and aſſiſt ſuch owner in making ſuch reſiſtance, vnder paine to yéeld vnto him the value of the thing taken, and his double dammages.

28.H.6. cap.15. 22 All Conſtables and other the Officers Souldiers.

cers aboueſaid, of the Pariſh or place, where any of the Kings Souldiers beyond the Seas being muſtered of Record ſhall happen to arriue, may arreſt & ſtay ſuch Souldiers, till it be enquired whether they be lawfully departed from their Captaines or no. 21.H.8. cap.2.

Coroners. 23 All Conſtables, and other the ſayd Officers, muſt be attendant vpon Coroners, for the abiuring and conueying of ſuch perſons as ſhall take the Churchyard as a ſanctuarie for ſafeguard of their liues, by occaſion of any felony by them done. 22.H.8. cap.14. 22.H.8. cap.3. But now all Sanctuaries are extinct by 21.Iac.

Charges of conueying Offendors to the goale. 24 By Warrant of ſuch Iuſtice of Peace as committed an offender to the common Goale, the Conſtable of the Hundred, or the Conſtable or Tything man of the Tything, or Townſhip, where ſuch offender dwells, from whence he was committed, or where he hath any goods, may ſell ſuch goods of the ſayd offender, as by the diſcretion of the ſayd Iuſtice will pay the charges of his conueying to the ſayd Goale: the appraiſement to be made by foure of the honeſt Inhabitants of the Pariſh, or Tything where ſuch goods ſhall be, and the ouerplus of the money made thereof to be deliuered to the partie to whom the goods ſhall belong: and if ſuch offender haue no goods, an indifferent tax therefore ſhall bee made by the Conſtables and Churchwardens, and two or three other 28.3.Iac. cap.10.

the

the honeſt Inhabitants of the Pariſh, Towneſhip, or Tything, where ſuch offendour ſhall be taken, and in default of them, by foure of the principall Inhabitants of the ſayd Pariſh, Towneſhip, or Tything: which taration being allowed vnder the hand of a Juſtice of Peace, if any ſo tared refuſe to pay the ſame taration, by Warrant of ſuch Juſtice of Peace, the Conſtable, Tythingman, or other Officer there, may diſtraine and ſell (by ſuch appraiſement as aforeſayd) the goods of ſuch refuſer: and the ouerplus of money come by the ſale thereof to be deliuered to the owner.

7. Iac. cap. 4. Rogues and Beggars.

25 The Juſtices of Peace of euery countie twice in a yeare, and oftner if occaſion be, are to aſſemble and meet together for the better execution of the Statute made 7. Iacobi Regis, cap. 4. againſt Rogues and Vagabonds: And foure or fiue dayes before ſuch aſſembly the ſame Juſtices, or the more part of them, may command the Conſtables and Tythingmen of euery Hundred, Towne, Pariſh, Village, and Hamlet, with the aſſiſtance of ſufficient men, to make a generall priuie ſearch within their ſeuerall limits, for Rogues, Vagabonds, wandring and idle perſons, and ſuch as they haue found and apprehended in the ſayd ſearch, they are to bring before the ſayd Juſtices at their ſayd Aſſembly, there to be examined of their idle life, puniſhed, or otherwiſe

wise by warrant of such Justices, sent to the house of Correction within the sayd Countie, there to be delivered to the Master of such house, or his deputie, to be set to labour and work. At which dayes of Assembly the sayd Constables and Tythingmen must appeare in their severall divisions before the sayd Justices, and give account in writing, and under the hand of the Minister of the Parish, what Rogues, Vagabonds, and wandring persons they have apprehended both in the same search, and betweén every such assemblies, and how many have béene by them punished, or sent to the houses of Correction: which if the sayd Constables or Tythingmen neglect to performe, or to convey safely all such rogues, and idle persons at the charge of the Hundred, as by the Justices of Peaces warrants are sent vnto the houses of correction, they do thereby forfeit such fines as the sayd Justices shall think fit, not exceeding 40. s. for every offence.

All these things heretofore rehearsed, whether they concerne the preservation of the Peace, or any other matter besides the Peace, may and ought to be done and executed indifferently (as I thinke) by any of the said Officers within the precinct of his authority: that is to say, as well by the high Constable of the whole Hundred or Franchise within his Hundred or Franchise, as by the Constable,

petie

pety Conſtable, Tythingman, Borſholder, Borohead, Headborow, Thirdborow, or chiefe Pledge, within his Towne, Pariſh, Tything, Borow, or Hamlet, and ſo as none of them hath more power of office therein than the other, although ſome of them have larger limit of place than the reſt. But now I am come to ſuch things as doe ſeverally belong to theſe Officers, ſo as the other may not meddle therewith, (which is the third part of my promiſe) and therefore I wil take that in hand alſo; and becauſe the *Conſtable* of the Hundred, or Franchiſe, is the greateſt of theſe Officers, both in reſpect of his larger precinct of place, and alſo of the higher truſt that is committed to him, I will begin at him; who, as hee is not by and by ſet alone, but is for ſome matters no further authoriſed than ſome other of the ſayd Officers, ſo I will firſt begin at thoſe, and then come to the reſt that belong onely to himſelfe.

High Conſtable of a Hundred.

14. El. c. 5.

26 The money appointed to be levied by the Churchwardens of every Pariſh each Sunday, for the releefe of priſoners in the Goale, ought (vnder the pain of v. l.) to be paid by them once every quarter of a yeare to the high Conſtables, or head Officers of every Hundred, Riding, Wapentake, Towne, or Pariſh: and the ſayd high Conſtables, or head Officers ought (vnder the pain of 5. pounds) to pay ouer the ſame money ſo to them payd

Priſoners.

payd at the next quarter Seſſions of the Peace, to the perſon appointed by the Juſtices of Peace to receiue the ſame.

It ſeemeth to mee, that in this caſe next aboue the words, high Conſtables, high Tythingmen and head Officers, doe exclude petty Conſtables, Borſholders, and ſuch like to meddle therein: becauſe none are called High or Head, but in compariſon of low and baſe. Now therefore I will ſpeake of matters concerning the high Conſtable of the Hundred alone.

High Conſtable alone Petty Seſſions.

27 High Conſtables of Hundreds in all ſuch Shires, where petie Seſſions for ſeruants and labourers (otherwiſe called ſtatute Seſſions) were uſed to be kept before the firſt day of the Parliament holden in the fifth yeere of the Reigne of our late gracious Q. Elizabeth, may yet ſtill hold their ſayd Seſſions, ſo that nothing be done in them repugnant to the Statute of Labourers and Seruants made in the ſame Parliament. 5 El. c. 4.

Watches and Highwayes.

28 The Conſtables of Hundreds, and of Franchiſes, ought to make preſentment to the Juſtices of Peace, and to all other Juſtices thereto aſſigned, of the defaults of Watches, & the defaults of the Kings high-ways, not enlarged, ſo as no ditches, vnder-wood, or buſhes be within two hundred fot on euery ſide of the ſame: and alſo of ſuch as lodge ſtrangers in vplandiſh townes, for whom they will not anſwer. 13. E. 1. ſta. Winton.

29 Cloth

4. E. 4. c. 1. 29 Cloth wo:kers ought to pay the wages of their Carders, and other wo:kfolks in lawfull money, and not in pins, girdles, o: ſuch other things: & to deliuer their wools by faithfull deliuery, and due weight vnto them to be wo:ought, vpon pain of fo:feiting the treble of their wages not ſo payd, and ſix pence fo: euery deliuery of ſuch exceſſiue weight. And the ſayd Wo:kfolks ought to do their occupations duely, vpon pain of double dammages to the partie grieued. And euery Conſtable of the hundred may heare and determine the complaints afo:eſayd by examination of the parties, and may commit to the Goale ſuch as refuſe to pay the ſayd Wo:kfolks. Clothiers.

2 & 3. P. & M. c. 8. 5 El. c. 13 30 Eſtreats indented ought to be made by the Clerks of the Peace, and by Stewards of Leets, of all fo:feitures riſing in the Seſſions of the Peace, o: in Leets, vpon the ſtatutes of high wayes: of which Eſtreats one part ought to be deliuered yearly within 6 weeks after Michaelmas, to the Bailiffe o: high Conſtable of the Hundred, Lath o: Wapentake, wherein the default was committed, and the other part to the Conſtable & Churchwardens of the Parish in which the default was made, to the intent that ſuch Bailiffe o: chiefe Conſtable may thereby leuy by diſtreſſe the ſame fo:feitures, o: the double thereof (if no diſtreſſe can be found, o: if ſuch fo:feitures be not payd within 20. dayes Highwayes

dates after a lawfull demand of the ſame by the ſayd Officer) and to the intent alſo that the ſayd Conſtable and Church-wardens of the Parith may thereby call the ſayd Bailiffe, or high Conſtable to account before two Juſtices of the Peace (the one being of the Quorum) betweén the firſt day of March and the laſt of April yéerly for the ſayd forfeitures, which ought by the ſayd Church-wardens to be beſtowed on the high waies in their Parith. And vpon ſuch account, euery ſuch Bailiffe or high Conſtable ſhall haue for his paines viii.d. of euery pound leuied and payd by him, and may alſo retaine xii. d. for the fée of the Clerk of the Peace, or Steward of the Léet, for euery ſuch Eſtreat by any of them deliuered, as is afore ſayd.

Marſhalſey and Kings Bench.

31 The high Conſtable (in whoſe limit the Parith is ſituate) muſt pay at euery Quarter Seſſion to one of the Treaſurers of the Shire, ſuch money as the Churchwardens there haue payd to him for the priſoners in the Marſhalſey and Kings Bench, vpon pain of xx.s. to be loſt for euery default, 43. Eliz. cap. 3. 1. Iac. cap. 25. 41. Eli. cap. 3.

Soulciers.

32 And the like muſt be done (vnder the pain of xl.s.) with that money which the Curchwardens bring to him for diſabled Soulciers.

Popiſh Recuſants.

33 The chiefe Conſtable of the Hundred (where there be no Churchwardens 3. Iac. 1. 4

or

or Conſtables of any Towne, Pariſh, or Chappell in ſuch Hundred) ought once a yeare to preſent at the Quarter Seſſions the monthly abſence from Church of Popiſh recuſants within ſuch Towns and Pariſhes, and the names of the children of nine yeares old and vpwards, abiding with their ſaid Parents, and the age of ſuch children as neere as they can, as alſo the names of the ſeruants of ſuch Recuſants: vnder paine of loſſe of xx.s. for euery ſuch default. And if vpon ſuch preſentment the partie happen to be indicted and conuicted (not being for the ſame abſence before preſented) the ſaid Conſtable is to haue a reward of xl.s. out of ſuch Recuſants goods.

Next after the *Conſtable* of the Hundred, Wapentake, or Franchiſe, followeth the *Conſtable* of a Towne, who is ſomewhere called a *high Conſtable*, for that he hath there a *petie Conſtable* vnder him, and is ſomtimes alſo termed a head-Officer, becauſe in ſome Corporate Townes *Conſtable* is part of the name of their Incorporation; and now alſo becauſe there be ſundry things that are by the lawes indifferently referred to him, or to the Tythingman, Borſholder, or ſuch other inferiour Officer of the peace: therefore I will firſt ſet downe thoſe, and then afterward ſpeake of the reſt that are committed to him only, and to none of them. Conſtable of a towne.

34 If a common Inholder, or Ale-

house-keeper will not lodge such as travell, the Ruler, Constable, or other Officer of the Towne may compell him thereto. 5.Ed.4. 3.Acc. sur case, B.76.

Alehouse. Every person that keepes a common Alehouse or Tiplinghouse, or doth use commonly selling of Ale, Beere, Cyder, or Perry without licence, shall for every such offence forfeit twenty shillings: which penalty, after conviction before a Justice of Peace, Maior, or other head Officer, and by warrant from such Justice of Peace, or, &c. shall or may be levied by the Constables or Churchwardens of the Parish, where the said offence shall be committed, to the use of the Poore of the same Parish by way of distresse, and (for default of satisfaction within three dayes) by sale of the offenders goods, rendring unto him the overplus: And here the conviction of such offender shall be, either by the view of such Justice of Peace, Maior, or other Head officer, or by his owne confession, or upon oath of two witnesses, which oath the said Justice of Peace, or, &c. shall by this Act have power to minister. And if such offender shall not have sufficient goods, whereby the said twentie shillings may be levied by way of distresse, as aforesaid, or shall not pay the said summe within six dayes after such conviction, as aforesaid, that then the said Justice of Peace, or, &c. shall commit 3.Car.3.

mit euery such offender to some Constable, or Constables, or other inferiour Officer or Officers of the Citie, Borow, Towne, Parish, or Hamlet, where the offence shall be committed, or the partie apprehended, to be openly whipped for the said offence, as the said Justice, or, &c. shall limit and appoint. And if the Constable or inferiour Officer doth not by himselfe or some other, execute vpon the offender the punishment limitted by this statute, that then it shall be lawfull for the said Justice, or, &c. to commit the said Constable, or other inferiour Officer to the common Goale, there to remaine without Baile or Mainprise, vntill the said offender shall be by the said Constable, or, &c. or by some other at his appointment, punished and whipped as aforesaid, or vntill he the said Constable, or, &c. so neglecting his dutie, shall haue payd the summe of sortie shillings to the vse of the poore of the Parish for his said contempt.

5. El. ca. 4. Seruants. 35 No person retained in husbandrie, or in any the Arts appointed by the Statute of Labourers (made in the fifth yeere of our late Soueraigne Ladie Q. Elizabeth) may depart after the time of such Retainour expired, out of the Towne or Parish where he last serued, to serue in another, vnlesse he haue a Testimoniall vnder the seale of the Constable, or other such Officer, & of two other honest Hous-

holders of the Towne or Parish where he last serued, according to this forme, *Memorandum*, That A.G. late seruant of C.D. of E. in the county of K. Husbandman, or Taylor, &c. is licenced to depart from his said Master, and is at his liberty to serue else-where, according to the Statute in that case made and prouided. In witnesse whereof, &c. dated the day, moneth, yeere, and place of the making thereof. Which Testimoniall the Parson, Vicar, or Curate of the parish where such Master, Mistresse, or Dame doth dwell, ought to register, taking only 2.d. therefore. And if such person be accepted into any other seruice, without shewing such Testimoniall to the Constable, or such other Officer, Curate, or Churchwarden of the place where he shall be accepted, he shall be imprisoned till he procure such a Testimoniall: which if he do not within twelue dayes next after the first day of his imprisonment, he shall be whipped as a Vagabond.

Labourers. 36 In the time of Hay, or Corneharuest, the Constable, or such other Officer of any township, vpon request made, and for auoiding the losse of any corne, grain, or hay, may cause all such artificers and persons as be meet to labour, by his discretion, to serue by the day for the mowing, reaping, sharing, getting, or inning of corne, grain, or hay, according to the skill and qualities of the person: and if any such 5. El. c. 4.

ſuch perſon ſhall refuſe ſo to doe, then ought ſuch officer (vnder the paine of forty ſhillings) to impriſon ſuch refuſer in the Stockes, by the ſpace of two dayes and one night.

2. & 3. P. & M. c. 8. & 5. El. cap. 13. 37 The Conſtable, Borſholder, or other ſuch Officer, and the Church-wardens of euery Pariſh, ought yéerly vpon the Tueſday or Wedneſday in Eaſter wéeke, to call together a number of the Pariſhioners, and to chooſe two honeſt men of their Pariſh, to be ſurueyors of the woorkes for amendment of the High-waies within their Pariſh leading to any Market Towne: and ought then alſo to appoint ſix dayes for the amendment of thoſe High-waies before Midſummer then next following: and ought openly in the Church, the next Sunday after Eaſter, to giue knowledge of the ſame ſix dayes. Highwaies.

2. & 3. P. & M. c. 8 & 5. El. c. 13. They alſo ought to haue one part of the Eſtreats indented, & may call the Bailiffe or High-Conſtable to Account concerning the forfettures, for default of amending High-wayes, as hath alreadie appeared before. And they alſo, or any of them may leuie by Diſtreſſe, and by ſale of ſuch Diſtreſſe, all ſums of mony forfeited for any cauſe within the Statute of High-waies made in the 18. yéere of the late Queene Elizabeth, (if ſo be that the Surueyors of High-wayes ſhall not before haue leuied and imploied the

18. Eliz. cap. 10.

same, within one yeare next after the offence committed) & shall yeld Account thereof before the two Iustices of the Peace, as is afore shewed.

High-wayes.

38 The forfeits against the Statute for amendment of the annoyed High-wayes in the Wealds of Kent, Surrey, and Sussex, ought after conuiction thereof to be leuied by distresse, by the Constables, Headborowes, Tythingmen, or other such Officers there, vpon warrant from the Clerke of the Peace in open Sessions, or from two of the Iustices that were at such Session, the one of them being of the Quorum. 35. El. cap. 29.

Hue and Cry.

39 After such time as the two Iustices of Peace haue ratably assessed euery Towne and Parish towards the payment of the dammages that any person hath recouered against him of the Hundred wherein he was robbed, vpon the Statute of Hue and Cry: then may the Constable or Headborow of euery such Towne and Parish, ratably within his limit, tare (according to their abilities) euery dweller in euery such Towne or Parish, toward the payment of such assessement made by the Iustices; and may also distraine euery person by his goods and chattels, that shall refuse to pay the same, and may sell the distresse, and retaine so much thereof as the taration shall be, and deliuer the ouerplus to the person so distrained. And shall (within ten 27. El. 2. cap. 2.

ſen dayes next after hee hath leuied the ſaid rates) deliuer the ſame to the ſaid Iuſtices, or one of them, to the vſe of the partie robbed.

36. El. c. 2. 40 The Miniſter or Curate of the Pariſh, and the Conſtable, Headborow, or Tythingman of the Towne, to which any Popiſh Recuſant ſhall be ſent by order of this Statute, ſhall take notice thereof by him, and ſhall enter the ſame into a booke to be kept in euery Pariſh for that purpoſe, and ſhall certifie the ſame at the next Quarter Seſſions of the Peace in that Countie. Popiſh recuſant.

43. El. c. 7 41 The Conſtable, or other inferiour Officer muſt whip ſuch hedge-breakers, robbers of Orchards & Gardens, cutters of corne and wood, &c. as be for that purpoſe committed vnto them by the Iuſtice of Peace, vpon paine to be committed to the common Goale without Baile or Mainprize till it be done. Hedge-breakers.

1. Iac. c. 31 42 Euery Conſtable, and other Officer that doth wilfully make default in leuying ſuch money as they are commanded by the Warrants of Maiors, Bayliffes, Head-officers, or Iuſtices of Peace (hauing tared the ſame for reliefe of the Poore infected with the Plague) doth forfeit for euery ſuch offence 11. s. to the vſe of ſuch perſons infected. And euery Conſtable, Headborow, or other Officer (if the infection be out of any Citie, Borow, Towne Corporate, Priui- Plague.

ledged place, or Market-Towne) may command or appoint persons infected, or being or dwelling in any house infected, to keep their house for avoiding of further infection: & if notwithstanding such persons do wilfully and contemptuously disobey such direction and appointment, offering and attempting to break or goe abroad, and to resist, or going abroad & resisting such keepers or watchmen as are appointed to see them kept in: it is lawfull for such watchmen with violence to inforce them to keep their houses. And if any hurt come by such inforcement to such disobedient persons, the said keepers, watchmen, & other their Assistants shall not be impeached therefore. And every infected person so commanded (by the said Constable, Headborow, or other Officer) to keep house, which contrarie to such commandment, wilfully and contemptuously goeth abroad and conuerseth in company, hauing any infectious sore vpon him vncured, becommeth a Felon: But if such person haue not any such sore found about him, then for the said offence he is to be punished as a Vagabond ought to be by the Statute of 39. El. c. 4. and further, to be bound to his good behauiour for a yeere.

Drunkennesse. 43 And because by the Statute 4. Iac. cap. 5. (made against drunkennesse) all Constables, Church-wardens, Headborowes, Tythingmen, Ale-cunners, and Side-men, 4. Ia. c. 5.

Side-men, ſhall in their Oathes incident to their offices, be charged to preſent the offences contrary to the ſame Statute, therefore it ſhall not be amiſſe to ſet before them the effect of the ſaid Statute as followeth: Every perſon that ſhall be drunk, & thereof lawfully convicted (which
21.Ia.c.7 conviction now by 21.Iac. ſhall be vpon view of ỹ Magiſtrate, the offenders owne confeſſion, or ỹ proofe of one witnes) ſhall for the ſame offence forfeit 5.s. to be paid within a weeke after ſuch conviction to the Church-wardens of the Parish where the offence was committed, to the vſe of the Poore of the ſame parish: And on neglect or refuſall to pay ỹ ſaid forfeiture, ỹ ſame ſhall be leuied of the goods of the offender by warrant from the Court, Iudge, or Iuſtices, before whom ỹ ſaid conviction was: And if ỹ offender be not able to pay the ſaid 5.s. he ſhall be ſet in the Stockes for ſix houres. And every Conſtable, or other inferiour officer, to whom that ſhall be giuen in charge by precept of anie Maior, Bailiffe, Head officer, or Iuſtices of the P. within their ſeuerall Limits, that doth neglect the due correction of the ſaid Offender, or the due leuying of the ſaid penalties where diſtreſſe may be had, ſhall forfeit 10.s. to the Poore of the
.c.5. parish or place where ỹ offence was committed: to be leuied by diſtreſſe (by any perſon hauing warrant from the Maior, Bailiffe, or other Headofficer, Iuſtices of

Peace,

Peace, or Court where such conuiction shall be) and to be payd to the Churchwardens as before limited. And euerie person which doth continue drinking in any Inne, Victualling house, or Alehouse, in the same Citie, Towne, Village, or Hamlet wherein he dwelleth, or (by 1.Car.cap.4.) wherein he dwelleth not (other than such as are inuited by trauellers, labouring and handicrafts men in Cities, Townes Corporate, and Market Townes, vpon vsuall working dayes, for one houre at dinner to take their diet: labourers and workmen, which for following of their worke, sojourne, lodge, or victuall in any Inne, Alehouse, or Victualling house) other than for vrgent occasions, allowed by two Iustices of Peace, and the same be seene by any Maior, or other Head-officer, or Iustice of Peace within their seuerall limits, or proued by oath of two witnesses. (But by 21.Iac. the view of the Magistrate, his owne confession, or the proofe of one witnesse is sufficient to conuict him of the offence) before any such Maior, &c. shall therefore forfeit 3.s.4.d. to the vse of the Poore of the Parish where the offence was committed, to be leuied as aforesaid: and if such offender being lawfully conuict, be not able to pay the said forfeiture, then the Maior, Bailiffe, head-Officer, Iustice of Peace, or Court, where such conuiction was, may set such offender 21.Iac.7

offender in the Stockes foure houres. And all the ſaid offences are to bee preſented (by ſuch Conſtables, Churchwardens, or other inferiour Officers) before the Iuſtices of Aſſize in their circuit, Iuſtices of Peace in their Seſſions, Maiors, Bayliffes, or other head Officers of Cities or Townes Corporate, hauing power to inquire of treſpaſſes, &c. and in Court Leets. And euery perſon being a ſecond time conuicted of Drunkenneſſe, ſhall be bound with two ſureties in Recogniſance of 10.li. to be from thenceforth of good behauiour. But no perſon ſhall be puniſhed for anie offence mentioned in this Statute, vnleſſe he be for the ſame preſented, indicted, or conuicted within fiue moneths after the offence committed. Laſtly (by the 21. Iac.) the oath of him that confeſſeth the offences aforeſaid, ſhall be a ſufficient proofe againſt any other offending at the ſame time.

21. Iac. cap. 7.

7. Ia. c. 11

44 Euery Conſtable and Headborow, by Warrant vnder the hand of two Iuſtices of Peace, may ſearch the houſes of perſons ſuſpected (other than ſuch as haue xl.l. yearly of inheritance, 80.l. yearly of freehold, or be worth 400.l. goods) for ſetting dogges, or nets for taking of Feaſants & Partridges, & the ſame may take, kill, & cut in pieces, as things prohibited, & forfeited to ſuch of the ſaid Officers as ſhall find out and take the ſame.

Setting dogs and nets.

Euery

Who be Rogues.

45 Every of these persons following, and being above the age of 7. yeares, is by the law declared to be a Rogue, Vagabond, or sturdy Beggar; that is to say: 39.El.c.4.

Every person that calleth himselfe a Scholler, and goeth about begging: Every Sea-faring man (not having suffered Shipwrack, nor having lawfull Testimoniall from a Iustice of Peace, of, or neere the place where he landed) that goeth about begging, or exceedeth the limits of such Testimoniall: Every idle person that goeth about begging, or that vseth anie subtle craft, or vnlawfull game or play, or that faigneth knowledge in Phisiognomie, Palmestrie, or other like craftie Science, or pretendeth to tell Destinies, Fortunes, or such like Phantasticall imaginations. Every wandring person that vttereth himselfe to be a Proctour, Procurer, Patent gatherer, or Collector for any Goale, Prison, or Hospitall: Every Fencer, Beareward, Minstrell, or cunning player of Enterlude, other than such player of Enterlude as belongeth to a Baron or other honourable person of greater degree, and be authorised vnder his hand & seal of Armes. (But see the statute made in the first yeer of the Reigne of our Soueraigne Lord K. Iames, c. 7.) That from thencefoorth no authoritie to be giuen or made by a Baron of this Realme, or any other honourable personage of greater degree, vnto 1.Ia.c.7.

any

any other perſon or perſons, ſhall be a-
vaileable to free and diſcharge the ſaid
perſons, or any of them from the paines
and puniſhments in the ſaid Statute
(made an. 39. Eliz. cap. 4.) mentioned, but
that they ſhall be taken within the of-
fence and puniſhment of the ſame Sta-
tute. Every Jugler, Tinker, Pedler,
1. Ia. c. 7. Petechapman, or Glaſſe-man that wan-
dreth abroad. Every wandring perſon,
or common Labourer, not having other-
wiſe than by labour to maintaine him-
ſelfe, and being able of bodie, that refu-
ſeth to worke for lawfull wages. Every
perſon delivered out of Goale, that
beggeth for Fees, or trauaileth begging.
Every one that pretending loſſe by fire,
or otherwiſe, wandreth begging. Every
one (not being a Felon) that pretendeth
to be an Egyptian, or wandreth in the
forme (or habit) of counterfeit Egyptia-
ans. Every impotent and diſeaſed per-
ſon (being lawfully licenced by two Ju-
ſtices of the Peace to go to Bath, or
Burton) that forbeareth not to begge, or
returneth not according to ſuch Licence:
and every poore perſon (appointed to aſke
reliefe in his Pariſh by the Overſeers)
that beggeth in any other ſort than is ap-
pointed.

1. Iac. 31. By the Statute made ann. 1. Iac. cap.
31. Such as wilfully go abroad out of
houſes infected with the Plague, (being
commanded to keep houſe) though they
haue

haue no sore about them, are punishable as Vagabonds in all respects ought to be by the Statute (39. Eliz. cap. 4.) And by the Statute made anno 7. Iac. cap. 4. Able persons, running out of the Parishes, and leauing their families vpon the Parish, shall be taken and deemed to be Incorrigible Rogues, and endure the paines of Incorrigible Rogues. 7. Iac. c. 4.

The Constable, Headborow, and Tythingman of the Hundred, Parish, or Tything, shall vpon the taking of euerie such Rogue (the Tythingman or Headborow being assisted with the aduice of the Minister, and one other of the Parish) appoint the same Rogue to be stripped naked from the middle vpward, and be openly whipped vntill his or her body be bloody, and shall forthwith send such Rogue from Parish to Parish (by the Officers of the same) the next straight way to the Parish where such Rogue was borne, if that may be knowne by his or her confession, or otherwise: and if that cannot be knowne, then to the Parish where he or she last dwelt before that punishment, by the space of one whole yeere: and neither of them being knowne, then to the Parish through which he or she last passed without punishment.

After which whipping, such Rogue shall haue a testimoniall subscribed, and sealed with the hands and seales of the said Consta-

Conſtable, Headborow, Tythingman, and Miniſter, or any two of them, the ſubſtance of which ſhall be regiſtred by the Miniſter in a booke to be prouided for that purpoſe, vnder the paine of flue ſhillings for euery default thereof.

And the forme of that Teſtimoniall may be thus.

A.B. a ſturdy Rogue, of tall ſtature, red hayred and bearded, about the age of 30. yeeres, and having a wart neere vnder his right eye, borne (as he confeſſeth) at East Tilbury in Eſſex, was taken begging at Shorne in this County of Kent the tenth of March, 1624. and was then there lawfully whipped therefore, and he is appointed to go to East Tilbury aforeſayd, the direct way by Grauesend, ouer the Riuer of Thames; for which hee is allowed one whole day, and no more at his perill: ſubſcribed and ſealed the day and yeere aforeſayd, *Kent.*

By vs { *C.D. Miniſter,* / *E.F. Borſholder,* / *G.H. Pariſhioner.* } of Shorne aforeſayd.

And if ſuch Rogue do not accompliſh the order of ſuch Teſtimoniall, then is he or ſhe to be whipped at euery place for euery ſuch default, till he or ſhee repaire to the place ſo limited for him: And this Teſtimoniall muſt be carried with him from Officer to Officer, as is aforeſaid: wherein

wherein it is needfull to set downe some speciall marke of the bodie of the Rogue, to the end that neither one Officer deceiue another, nor the Rogue deceiue them all.

But if such Rogue so taken, appeare to be dangerous to the inferiour sort of people there, or will not be reformed from Roguish life by the meanes aforesaid, then any two Iustices of Peace of the limit (the one being of the Quorum) may commit such Rogue to the house of Correction or Goale.

(By the Statute an. 1. Iac. c. 7. Euerie person ought to apprehend or cause to be apprehended such Rogues, Vagabonds, & Sturdy beggars, as he seeth or knoweth to resort to his house to begge, gather or receiue Almes, and them ought to carry, or cause to be carried to the next Constable or Tythingman, vpon paine of xx.s. for euery default.) 1. Iac. c. 7

Euery Constable, Headborow, and Tythingman, that shall be negligent, or shall not doe his best indeauour to take, punish, & conuey ouer the Rogues aforesaid, shall lose x.s. for euery default, (By the Statute an. 1. Iac. cap. 7. the Constable or Tythingman is to forfeit xx.s. for euery such default.) And euery other person, that doth disturbe or let the execution of this Act of Rogues, shall lose v.l. for euery default, and be bound to the good behauiour. 1. Iac. c. 7

And

And euery ſuch Conſtable, Headborow, and Tything-man, is in like ſort to take and puniſh, and to conuey from one to another, euery Rogue and Beggar that ſhall be brought, and ſet on the land here, from Ireland, Scotland, or the Ile of Man, till he come to the next port or pariſh in or neere where he was firſt landed, vpon forfeiture of 5. s. for euery default.

Now, forasmuch as the execution of this law, as alſo of that for the poore, is vpon good reaſon required at the hands of the Conſtables, Borſholders, and ſuch like inferiour Officers; becauſe, as they of the common ſort bee moſt annoyed thereby, ſo are they in euery corner to have a ready hand and whip to remedy the euill; I thinke good for their better direction herein, to ſet downe thoſe reſolutions and deuices, which (as it is commonly ſayd) were given by the Queenes Iuſtices at Weſtminſter, ſoone after the making of the ſayd Statutes: and thus they follow.

A Rogue affirmeth that he was borne in ſuch a Towne in ſuch a Countie: then ought he to be ſent thither, if it may not otherwiſe appeare that he was borne elſewhere: and if he were not borne there in truth, then is he to be ſayd an Incorrigible Rogue, and is to be ſent thence to the houſe of Correction in the Countie

to which he is sent: and if there be none there, then to the Goale vntill the next Sessions, there to be dealt with according to the Statute.

2 The same course is to be obserued if it appeare not where he was borne, and so if he vntruly affirme, that he was last dwelling in such a Towne, in such a Countie, by the space of a yeare, and was not in truth.

3 If the husband or wife haue a house, & the husband and wife rogue about, they ought to be sent to the Town where that house is: and so of an Inmate.

4 The wife and children vnder seuen yeares of age, being vagrant, must go and be placed with the husband: If the husband be dead, then with the wife where she was borne or dwelt: and the Vagrant children aboue 7 yeares of age, must be sent to the place of their birth. And if the Vagrant parents with their children vnder 7. yeares, be placed at the place of birth of their parents, or at the place of last dwelling (as the case shall fall out) if afterward the parents, or either of them die, or run away, yet the children (once setled) must remain there still, and may not be sent to their place of birth, though after they grow to the age of 7. yeeres.

5 The wife being a Vagrant Rogue, ought to be sent to the husband, though he be but a seruant in another Towne.

6 The

6 The Rogue whoſe place of birth (or dwelling) cannot be knowne, hath wife and children under ſeuen yeares of age, they muſt goe with the husband to the place where they were laſt wilfully ſuffered to paſſe without punishment, where the children muſt be relieued by the worke of their parents, though the parents be committed to the house of Correction.

7 If any (not being Rogues) ſhall trauell with their children through a Town, & the father or mother dye, or run away, the Towne is not bound to keepe them where they dye, nor to ſend them away; but onely in charitie, except they become wandring Beggars.

8 If the parents be able to worke and may haue worke, they are to finde their children by their labour, and not the Pariſh: but if they be ouer-burthened with children, it ſhall be a very good way to procure ſome of them to be placed Apprentices according to the Statute.

9 No man is to be put out of the towne where he dwelleth, nor to be ſent to his place of birth (or laſt habitation) but a Vagrant Rogue; nor to be found by the town, except the partie be impotent; but ought to ſet themſelues to labour, if they be able, and can get worke: if they cannot, the Ouerſeers muſt ſet them to labour. And ſo of them that haue or ſhall haue houſes, when their eſtates be expired:

And seruants, whose times of seruice are ended, though they cannot get houses: for they must prouide themselues houses anew, if they be not impotent.

10 Such persons as be of any parish, and haue able bodies to worke, and be no wanderers abroad out of the parish, though they refuse to worke at such wages as is rated (or commonly giuen) in those parts, are notwithstanding not to be sent to their place of birth (or last dwelling) by the space of a yeare, but to the house of correction, vpon consideration had of both the statutes of the poore and rogues. But if they haue any lawfull meanes to liue by, though they be of able bodies, and refuse to worke, yet are they not to be sent to the house of Correction.

11 Such as will remoue or put any out of their parish that be not to be put out, this is against the statute concerning the reliefe of the poore, and fineable: and if any haue been so sent, they may be sent back againe.

12 If any be sent to a Towne whereto he ought to be sent, and is refused (being a sturdy or an impotent rogue) the persons refusing shall forfeit v. l. and he that is so to be sent, is to be offered to the Churchwardens and Ouerseers.

13 To send the Rogues by a generall Passport, without conueying them from parish to parish, is a let to the conueying

of

of Rogues, according to the Statute: and ſo a forfeit of 5. li. vpon them. And to goe with ſuch a Paſport, is but ſtill to continue a Rogue, to bee puniſhed by whipping.

14 If the Officer will not receiue a Rogue, to conuey him to the place where he was borne (or dwelt) this is a forfeiture of 5. li. in the Officer, that ſhall not receiue the party, to conuey him or her ouer.

15 None may be ſuffered to take reliefe at any mans dore, though within the ſame Parith, vnleſſe it be by the order of the ouerſeers, according to the ſtatute: neither may any be ſuffered to begge by the high wayes, though in their owne Parith.

16 By this word (Parents) is vnderſtood a Father or a Grandfather, Mother or Grandmother, being able perſons.

17 Within the word (Children) is included any childe, or grandchilde, being able.

18 Parſons, or Vicars, &c. be bound (as inhabitant) to the reliefe of the poore, as well as others that inhabit within the Parith.

19 Euery one that hath tythes impropriate, Cole-mines, or lands in manuall occupation, &c. is chargeable: and ſo for ſuch as haue ſaleable woods, proportioning the ſame to an annuall benefit.

20 If there be but one Churchwarden in the Parish, he sufficeth, with the other Ouerseers.

See before Article 25. the dutie of Constables & Tythingmen in searching for, and punishing Rogues, Vagabonds and Sturdy Beggars, according to the Statute 7. Iac. cap. 4.

All these things last aforesayd, do pertaine as well to the charge of a Tythingman, Borsholder, Headborow, Chiefe-Pledge, or such other inferiour officer, as they do to the Constable of such a Towne or parish, that hath any of those other officers underneath him. But some other points of charge there be, that belong to such a Constable onely, and not to any of them; as for example:

Weights & measures.

46 Euery Citie, Borow, and Market Towne, that hath a Constable, ought also to haue common measures sealed, and also common weights sealed, at which the inhabitants may freely weigh. 8. H. 6. cap. 5. 11. H. 7. cap. 4.

Merchandise.

47 If any wolls, or other Merchandise be shipped in the Staple in any suspected place adioyning to the coast of the water, then Indentures ought thereof to be made betweene the owner, and the Maior or Constable of that place: or otherwise such Merchandise shall be forfeited. 14. H. 6. cap 5.

Vnlawfull games.

48 The Maior, Sheriffes, Bailiffes, Constables, and other head Officers within 33. H. 8. cap. 9.

within euery Citie, Borow, and Towne within this Realme, where any ſuch officers be, ought vnder the pain of xl.s. for euery default, once euery moneth at the leaſt, to make ſearch (as well within liberties as without) in all places where any vnlawfull games ſhall be ſuſpected to be kept, and may arreſt and impriſon as well the keepers of ſuch places, as the haunters to the ſame, till they be found no more to keep and haunt ſuch places. And if any ſuch head Officers ſhall finde or know, that any Artificer, Craftſman, Husbandman, Apprentice, Labourer, ſeruant at Husbandry, Journeyman, or ſeruant of Artificer, or that any Mariner, Fiſherman, Waterman, or Seruingman, doth play at the tables, dice, cards, tennice, bowles, cloſh, coiting, logating, or any other vnlawfull game out of Chriſtmas time, or out of their Maſters houſe or preſence in the Chriſtmas time, vnleſſe it be by ỹ licence of ſuch Maſters as haue an hundred pound by the yeare, or aboue, & then alſo that playing be within the precinct of ſuch maſters houſe, garden, or orchard, : then ſuch head Officer may commit ſuch offender to Ward, till he be bound by Obligation to the Kings vſe (in ſuch ſumme as to the diſcretion of ſuch Officer ſhall be thought reaſonable) that he ſhall not from hence forth vſe ſuch vnlawfull games.

33. H. 8. cap. 4

49 Thoſe foure Iuſtices of Peace, that Bridges.

be authorised by the Statute to make taration of money for the amendment of any decayed bridge in the High way, ought to make that taration by the assent of the Constables, or of two of the most honest inhabitants of every Towne or Parish.

Vessels. 50 In all Cities, Borowes, and Townes wherein no Wardens of Coopers be, the Maior, Sheriffes, Bailiffes, Constables, or other head Officers there, haue power to search, view, and gawdge Barrels, Kilderkins, Firkins, and other Vessels, to be made there, and to take such aduantage thereby, and in such manner, as by the Wardens of Coopers within the Citie of London may be taken on every behalfe. 23. H. 8. cap 4.

Making of Malt. 51 The Constable of every Borow, or Market Towne, or other Towne, may view, search, and survey all such Malt as shall be made or put to sale there: and if he shall finde any Barley Malt made at any time (the moneths of June, July, and August only excepted) but that the same shall haue the space of 3. weekes (at the least) in the fat, flore, steeping, and such sufficient drying thereof, and in these three moneths, the space of seuentéene dayes at the least. And if hée finde any person to put to sale any good Malt mingled with Malt not sufficiently made, or with Malt made of mow burnt or spired Barley, or to put to sale any 27. El. cap. 14.

Malt

Malt not ſufficiently well troden, rubbed and fanned, whereby halfe a pecke of duſt, or more, may be fanned out of one Quarter thereof: Then may ſuch Conſtable, with the advice of one Juſtice of peace in that Shire, cauſe the ſame Malt to be ſold to ſuch perſons, and at ſuch reaſonable prices (under the common price of the market) as to his diſcretion ſhall ſeeme expedient.

43. Eliz. c. 2. & 3. 52 In default of agreement of the Parishioners betweene themſelues, the Conſtables and Churchwardens of each Parish (or the more part of them) may rate and allot within their Parish their aſſeſſe for the Stocke to the Shire, wherewith that Parish was charged at the Quarter Seſſions: and they alſo may levie the ſame upon any parishioner by diſtreſſe and ſale of his goods, rendring the overplus to him. Stock of the Shire.

21. Iac. cap. 7. 53 And becauſe by the ſtatute of 21. Iac cap. 7. (made againſt tipling) all Conſtables, Churchwardens &c. ſhall in their Othes incident to their Offices, be charged to preſent the offences contrary to the ſtatute of 1. Iac. cap. 9. therefore it ſhall not bee amiſſe, to ſet before them the effect of the ſayd ſtatute as followeth. Tipling.

1. Ia. c. 9. 1. Car. 4. Euery Inne-keeper, Victualler, or Ale-houſe-keeper, that permitteth any to continue tipling in his houſe (except ſuch as are inuited by trauellers, Labouring men

men in dinner time, or which lodge in such houses for time of their continuing in worke, or such as for vrgent occasions are allowed by two Iustices of Peace) shall forfeit x. s. for the poore of the Parish: and that selleth lesse than a full Alequart of the best Beere or Ale, and of the small two quarts for a peny, shall forfeit xx. s. to the vse aforesayd, the same offences being viewed by any Maior, Bailiffe, or Iustice of the Peace in their seuerall limits, or proued by oath of two witnesses (by 21. Iac. cap. 7. one witnes or his owne confession is sufficient to conuict him) before such Maior, &c. which penalties are to be leuied by the Constables or Churchwardens of the Parishes where the offences are committed, by distresse (and for default of satisfaction within 6 daies, the same distresse to be presently appraised and sold, and the surplusage to be deliuered to the partie of whom the distresse was taken) vnder paine of losse of xl. s. to the aforesayd vse by neglect of their dutie therein, or in certifying the default of distresse by the space of twentie daies to the Maior, Bailiffe, or other head Officer, or Iustice of the Peace within whose iurisdiction the offence was committed. For which penalties to be leuied by the Constables or Churchwardens, they shall be accountable to their successors and the parishioners.

54 All Iustices of Peace, Maiors, Bailiffes,

1. Iac. cap. 19. liffes, Head Officers, and Conſtables, as well of Cities and Townes Corporate, as in euery Countie of this Realme, may in Lent time enter into all houſes of Victuallers, and common Victualling houſes, where dreſſing of flesh in Lent ſhall be ſuſpected, and finding any Oxen, Beeues, Beuets, Hogs, Calues, Rams, Ewes, or Weathers killed, or dreſſed in Lent time, or on Fiſh dayes, (except ſuch as are prouided for ſhips, or killed three dayes next before Eaſter) may ſeiſe the ſame as forfeited, and diſtribute it to priſoners, and other poore folkes by their diſcretion. Victualling houſes.

1 Ia. c. 31 55 Where the infection is in any Citie, Borow, Towne Corporate, priuiledged place, or Market Towne, the Maior, Bailiffe, Conſtable, or other head officers there, may command perſons being, or dwelling in houſes infected, to keepe in, and the perſons diſobeying ſuch command, incurre ſuch danger as before is expreſſed in the Article 42. Plague.

3. Iac. c. 4 56 The Churchwardens and Conſtables of euery Towne, Parith, or Chappell, or one of them, ſhall once euery yeare preſent at the Quarter Seſſions, the monethly abſence from Church of all Popiſh Recuſants in ſuch Townes & Pariſhes, and the names of their children of 9 yeares old & vpwards, abiding with their parents, and if they can, their age, & the names of their ſeruants. And in default Preſent the names of Recuſants.

default of ſuch preſentment, ſhall forfeit vl. s. And if the partie vpon ſuch preſentment happen to be indicted and conuicted (not being for the ſame abſence before preſented) they ſhall haue a reward of xl.s. of the Recuſants goods.

The duties of Conſtables in making an indifferent taxe for the charges of conueying an offender to the Goale: See before, Art. 24.

Sea-fiſh. 57 By the Warrant of one or more Iuſtices of peace, it is lawfull for the Conſtables and Churchwardens of euerie Market Towne, Pariſh, or Liberty within which any offence ſhall be done in erecting of new weares along the ſeashore, or in any Hauen, Harbour, or Créek, or within fiue miles of the mouth of any Hauen or Créke in deſtroying of any Spawne of Sea-fiſh in any Weare or other Engine, or in fiſhing with any draw-net, or drag-net vnder three inches meaſh in any Hauen, &c. or within fiue miles, &c. againſt the Statute 3. Iac. cap. 12. may leuie the forfeitures by way of diſtreſſe, and ſale of the offenders goods, rendring to them the ſurpluſage. 3. Iac. cap. 12.

Apprentiſes. 58 The Parſon or Vicar of euerie Towne or Pariſh not incorporate, together with the Conſtable or Conſtables, Churchwarden or Churchwardens, Collectors and Overſeers of the poore, or the moſt part of them where (money is 7. Iac. cap. 3.

already

already giuen, or ſhall hereafter be giuen, to be continually imployed for the binding out as Apprentices the poorer ſorts of children) ſhall, within the ſayd Townes and Pariſhes, haue the nomination and placing of ſuch apprentices, and the guiding and imployment of ſuch monies as haue been heretofore ſo giuen, or which hereafter ſhall be giuen to and for the continuall binding forth of ſuch and ſo many apprentices, and in ſuch ſort as is already, or ſhall hereafter be ſo giuen and appointed, either by the laſt will or any writing vnder the hand and ſeale of the giuers of ſuch monies. And if any of them wilfully forbeare or refuſe, according to their duties, to imploy ſuch monies, by meanes whereof the ſayd money ſhall not be imployed accordingly: then euery of them ſo offending ſhall forfeit three pounds for euery ſuch offence. And the Maſter, Miſtreſſe, or Dame of ſuch Apprentices ſhall bee bound with one or two ſufficient ſureties, in double the ſumme they haue receiued with ſuch apprentices, to ſuch Parſon, or Vicar, Conſtable, &c. to repay the money ſo receiued at ſeuen yeares end, or within three moneths next after the end of the ſayd ſeuen yeares. And if the apprentice, Maſter, Miſtreſſe, or Dame happen to die within the ſayd ſpace of ſeuen yeares, then within one yeare next after ſuch death. And the Parſon or Vicar,

car, Constable, &c. ought to put forth and imploy such moneyes within three moneths at the furthest after the same shall come to their hands. And if there shall not be found fit persons to be bound out Apprentices in the Townes and Parishes where such moneyes are or shall be given to be imployed as afore is declared, the poorest children of any the Parishes next adioyning may (by the discretion of the said Parson, &c.) be bound Apprentices, taking such bonds as is aboue mentioned. And choyce must be alwayes made of the poorest sorts of children: and that no Apprentice be aboue 15. yeers old when he shall be first bound. And the said Parson or Vicar, Constable, &c. are once every yeere in Easter week, or within a moneth after Easter day, accountable before foure, three, or two Iustices of peace, dwelling, in or next to the said Townes and parishes, for all such money as they haue imployed in binding of Apprentices, and of all bonds and obligations taken for payment thereof: and of the money remaining in their hands: and are at such account, or within ten dayes after, to deliuer to their Successors or to such as then be in their times or places, all the said bonds and obligations, and such monies as remaine in their hands not then imployed.

Swearing and cursing.

59 If any person or persons at any time or times hereafter prophanely 21. Iac. cap. 20.

sweare

ſweare, or curſe, either in the hearing of a Juſtice of Peace of the Countie, or of any Maior, Juſtice of peace, Bayliffe, or head Officer of any Citie or Towne Corporate, where ſuch offence is or ſhall be committed, or ſhall be thereof convicted by the oathes of two witneſſes, or by confeſſion of the partie before any ſuch Juſtice of peace of the Countie, or head Officer, or Juſtice of peace in the Citie or Towne Corporate, where ſuch offence is or ſhall be committed, (to which end euery ſuch Juſtice of peace, and euery ſuch head Officer, ſhall haue power by this Act to miniſter the ſame oath.) That then euery ſuch offender ſhall for euery time ſo offending, forfeit and pay to the vſe of the poore of that parith where the ſame offence is or ſhall be committed, the ſumme of twelue pence. And it ſhall alſo be lawfull for the Conſtable, Churchwardens and Ouerſeers of the poore of that parith, by Warrant from ſuch Juſtice of peace, or head Officer, to leuie the ſame ſumme and ſummes of money by diſtreſſe and ſale of the offenders goods, rendring to the partie the ouerplus. And in defect of ſuch diſtreſſe, the offender, if hee or ſhee be aboue the age of twelue yeares, ſhall by Warrant from ſuch Juſtice of peace, or head Officer, be ſet in the Stockes by the ſpace of three whole houres: But if the Offender bee

be vnder the age of twelue yeeres, and shall not forthwith pay the sayd summe of twelue pounds: Then hée or she by warrant of such Iustice of peace, or head Officer, shall be whipped by the Constable, or by the Parent, or Maister in his presence: prouided neuertheleſſe That euery offence against this Law shall be complained of, and proued, as aboue sayd, within twentie dayes after the offence committed.

Prophanation of the Lords day.

60 There shall be no méetings, assemblies, or concourse of people out of their owne parishes on the Lords day, within this Realme of England, or any the Dominions thereof, for any sports or pastimes whatsoeuer: Nor any Beare-baiting, Bull baiting, Enterludes, common Playes, or other vnlawfull exercises or pastimes vsed by any person or persons within their owne parishes: and if any person or persons offend in any the premisses, he shall forfeit for euery such offence three shillings foure pence, the same to be imployed and conuerted to the vse of the poore of the parish, where such offence shall be committed: And if any one Iustice of the peace of the Countie, or the chiefe Officer or Officers of any Citie, Borow, or Town corporate, where such offence shall be committed, vpon his or their view, or confession of the partie, or proofe of one or more witnesse by oath (which the said 1. Car. 1.

Iu-

Justice, or chiefe Officer, or Officers shall by vertue of this Act haue authoritie to minister) shall find any person offending in the premisses, the said Justice or chiefe Officer, or Officers shall giue Warrant vnder his or their hand & seal to the Constables or Churchwardens of the Parish or Parishes where such offence shall be committed, to leuie the said penalty so to be assessed by way of distresse, and sale of the goods of euery such offender, rendring to the said offenders the ouerplus of the money raised of the goods so to be sold: And in default of such distresse, to set the party offending publickly in the stocks by the space of three houres. But this offence must be prosecuted within one moneth after it is committed.

3 Car. 1. Euery Carrier, Waggon-man, Carter, Wayne-man, or Drouer, that trauels vpon the Lords Day, shall forfeit xx.s. & euery Butcher that kills or sells any victuall vpon the same day, shall forfeit vi.s. viii.d. which sums & penalties after conuiction before a Justice of Peace, Maior, or other head Officer, & by Warrant from such Justice of Peace, or, &c. shall or may be leuied by any Constable or Churchwarden, to the vse of the poore of the Parish where such offence shall be committed, by way of distresse and sale of the offenders goods, rendring vnto him the ouerplus: And here the conuicti-

or of such offender shall be, either by the view of such Justice of Peace, Maior, or other head Officer, or by his owne confession, or vpon oath of two or moe witnesses, which oath the said Justice, &c. shal by this Act haue power to minister. But this offence must bee prosecuted, within fiue moneths after it is or shall be committed.

61 In all these cases also last before rehearsed, it seemeth that Borsholders, Tythingmen, Headborows, & other such (being in townes or parishes vnderneath Constables that be there) cannot meddle, because such Constables be (in comparison of them) called Head Officers.

62 Now therefore vpon al the whole discourse before written, it may wel appear that Borsholders, Tythingmen, Headboroes, Boroheads, Thirdboroes, and Chiefe Pledges, whether they be there the only officers for the Peace, or be vnderneath Constables, may, within their Borowes, Tythings, or Hamlets, do many things that the other may do and that there are many other points which those other officers may doe, & wherewith these Borsholders & the rest cannot meddle at all. And therefore to auoid idle repetition of matters already spoken, I say shortly, that if an vnder Borsholder, Tythingman, Headborow, Borohead, Thirdborow, or Chiefe Pledge, will see what belongeth to him to doe, he must look before vpon all

such

ſuch caſes where his power is declared to be equall (for thoſe points) with the power either of a high Conſtable of the Hundred; or a Conſtable of a Towne or Pariſh: for in all ſuch things he hath to deale as well as they: But where any thing before is ſhewed to pertain only to the high Conſtable of a Hundred, or only to the Conſtable or chiefe or head Officer of a Towne or Pariſh there ſuch a Borſholder, Tythingman, or any of the reſt hath nothing to doe with it.

And thus hauing opened ſo ſhortly and plainly as I could the duties of all theſe ſaid miniſters of the Peace, I do ſhut vp this worke: deſiring thoſe that ſhall take any profit of this labour, to yeeld thanks to God the moſt liberall giuer.

For the more eaſe of every of theſe officers in finding out that, which particularly belongeth unto each of them, I have diuided the former *Treatiſe* into 60. ſeuerall *Articles* (or parts) as it may appear at the beginning of each *Article*, by the ſeuerall *Figure* thereof, by which every officer may be directed ſeuerally to ſo much as appertaineth to himſelf, if he will mark this ſhort table following: For,

The high Conſtable of the Hundred, Rape, Franchiſe, or Wapentake, hath the execution of all thoſe matters that doe lye within theſe Articles, that is to ſay:

Articles concerning

3, 4 His name and beginning.
11, 12, 13, 14, 15, 16 The Peace, & ſeruing of Warrants.
17 Execution of Statutes
18 Phyſicians
19, 20, 21 Purueyors
22 Souldiers
23 Coroners
24 Conueying offenders to priſon.
25, 45 Rogues and beggers:
26 Priſoners.
27 Petite Seſſions
28 Watches, and High wayes.
29 Clothiers.
30 High-wayes.
31 Money for priſoners.
32 Mony for Souldiers.
33 Popiſh Recuſants
43 Drunkenneſſe.

And the Conſtable of a Town & Pariſh, hath his part in all things contained within any of theſe Articles following, that is to ſay,

Articles concerning

His name and beginning.
11, 12, 13, 14, 15, 16 The Peace, & ſeruing of Precepts.
17 Execution of Statutes.
18 Phyſicians.
19, 20, 21 Purueyors.
22 Souldiers
23 Coroners.
24 Conueying offenders to priſon.
25, 45 Rogues and Beggers.
34 Alehouſes:
35, 36 Seruants and Labourers.
37 High-wayes.
38 High-wayes in the Wealds.
39 Huy and Cry.

40 Popiſh

40 } Popiſh Recuſants.
56 }
41 Hedge-breakers.
42 } Plague.
55 }
43 Drunkenneſſe.
44 Setting dogs & nets
46 Weights and meaſures.
47 Marchandize.
48 Vnlawfull games.
49 Bridges.
50 Veſſels.
51 Making of malt.
52 Stocke of the Shire.
53 Tipling.
54 Victualling houſes.
57 Sea fiſh
58 Apprentices
59 Swearing & curſing
60 Prophanation of the Lords day.

And euery Borſholder, Tythingman, Borowhead, Headborow, Thirdborow, and Chiefe pledge, may for his Borow, or Tything, learne his office by theſe Articles, that is to ſay:

Articles concerning

5 His name
6 }
7 } His firſt office.
8 }
9 } His latter office.
10 }
11 }
12 } Keeping of the
13 } peace.
14 }
15 } Precepts to bee
16 } ſerued.
17 Execution of Statutes.
18 Phyſicians.
19 }
20 } Purueyors.
21 }
22 Souldiers.
23 Coroners.
24 Conueying offenders to priſon.
25 } Rogues and Beg-
45 } gers.
30 Highwayes.
34 Alehouſes.
35 } Seruants and La-
36 } bourers.
37 Highwayes.
38 Highwayes in the Wealds.
39 Huy and Cry.
40 Popiſh Recuſants.
41 Hedge-breakers.
42 Plague.
43 Drunkenneſſe.
44 Setting dogges and nets.

The duty of CHURCH-MINISTERS.

THe latter Lawes hauing imployment of many to make, hath borrowed some vse in a few easie matters of spirituall Ministers, chiefly for the help and readinesse of their pen, which in many Parishes few or none (besides them) can serue withall.

1 The Minister (or Curate) of the Parish ought to Register the Testimonial that is made to a seruant to appeare at the end of his Terme, and he is to take 2. d. therefore, and not aboue.

2 He also is to assist the Borsholder or Tythingman in appointing a Rogue to be whipped, and must Register (in a booke for that purpose) the Testimoniall that such Rogue ought to haue after whipping, vpon paine to lose 6. s. for euery default.

Licence to eate flesh.

3 He may giue Licence to a sicke person (during the sicknesse onely,) to eate flesh vpon dayes prohibited, and must (for 4. d.) Register the same in the Church booke, if the sicknesse continue 5 El. c. 5.

nue aboue eight dayes after the Licence. But see the Statute, 1 Iac. cap. 29. That no Licence granted to any sick person by force of the Statute 5 Eliz. cap. 5. shall be any sufficient warrant to such person to eate any Beefe, Veale, Porke, Mutton, or Bacon in Lent, or vpon any day now obserued as a Fish-day, but that the said sick person for dressing or eating such Beefe, &c. shall incurre the danger and penalty compriſed in the said Statute of 5 Eliz. c. 5.

1 Iac. cap. 25.

35 El. c. 1 4 The Minister or Curate of the Parish, may require any person within three moneths after his conuiction vpon the Statute 35 Eliz. cap. 1. to make publick confession and submission in the Seruice time on a Sunday or Festivall day. And he that shall (after notice to him giuen by the Minister, or Curate, or Churchwardens) maintaine, or retaine in his house, or otherwise, any person obstinately refusing to come to Church, shall lose x.li. for euery such person, for euery moneth so maintained or retained. Comming to Church.

35 El. c. 5 5 The Minister or Curate of the Parish, and the Constable, Headborow or Tything-man of the Towne, to which any Popish Recusant is sent, shall (vpon notice thereof by himselfe) enter the same into a book to be kept in euery Parish for that purpose: and shall certifie the same at the next Quarter Sessions of the Peace in that County. Popish recusant.

Fift day of November. 6 Euery Minister after Morning prayer or preaching, is alwaies vpon the fift day of November to reade publikly, distinctly, and plainly, the Statute made in the third yeere of the raigne of our most gracious Soueraigne King Iames, for publike thanksgiuing to Almighty God euery yeer on the same day, for his deliuerance of the King and State from the Powder Treason. 1 Iac. c 1

See before in Constables, &c. Art. 25. his hand to be set to the account of Constables and Tythingmen, of Rogues taken and punished by them.

See in Constables, &c. Art. 58. the duty of the Parson or Vicar, in binding out of Apprentices, and in imploying of money given to that use.

The duties of Churchwardens.

WHilst I passed thorow some of the Statutes before concerning the offices of Constable and Borsholder, I found them mingled with diuers duties pertaining to the Churchwardens of Parishes, the Surueyors of Highwaies, the Distributers of the prouision for the destruction of Vermine, & Ouerseers of the poore, whereby I was also moued to adde somewhat of these offices, the rather because I was perswaded, that with that little

little more of labour, I might do a great deale more of good, seeing that thereby the plaine Countryman should (after a sort) be furnished with all maner of vnderstanding (in the Temporall Law) needfull for the exercise of any of those offices that may lightly fall vpon him.

First therefore I will speake of the Churchwardens office, but that so far forth onely, as the common Lawes, and Statute Lawes of the Realme doe leade mée, knowing that such other parts of that office as doe rest vpon the Lawes Ecclesiasticall, be from time to time sufficiently both taught and called vpon by those that haue the execution of the same.

Office of Churchwardens by the common law.

12 H. 7. vlt. The Churchwardens of Parishes be taken (in fauour of the Church) to be for some purposes a maner of Corporation at the common Law: that is to say, Persons enabled by that name, to take moueable goods, or cattels, and to sue, and bee sued at the Law, concerning such goods, for the vse and profit of their Parish. And therefore a man may well in his life time giue, or by his last will bequeath mony or other moueable things to the Churchwardens, or to the Parishioners of a Parish, eyther for the reparation of the Church, or towards the buying of Bookes, Communion Cups, linnen Cloathes, or other decent ornaments or furniture for the Church.

Which

Which maner of gift is so much fauoured in the law, that it is not altogether needfull in such a gift, for a man to vse expresse words or writing. For if a man doe buy a Bell, and doe hang it vp in the Steeple, or doe make a Pew, and doe set it vp in the Church, and doe neither make any word or writing thereof, yet is this Bell or Pew by this dedicated or giuen to the Church. Libr. Intrac. fol. 570. 11 H.4. 12. 8 H.7.12

They shal haue action.

2 Now although Churchwardens shall haue no Action at the Common Law to recouer a Legacie, or such other thing which they neuer had: yet neuertheless if any such goods, or ornaments of the Church be once in their possession and custodie, then shall they maintaine an Appeale of Robbery against him that stealeth them, or an action of Trespasse against him that shall wrongfully take them away, though it be the Vicar or Parson himselfe: and the dammages that they shall recouer thereby, shall be to the vse & benefit of the Parish, & not to their owne vse. But if those Churchwardens (from whom the goods were so taken) shall happen to die before any action by them brought for the goods, yet shall the next Churchwardens haue an action for the same. 37 H.6. 30.& 34. 11 H.4. 12. 8 E.4. 6.

They may not waste the Church goods.

3 And forasmuch as these Churchwardens be Officers put in trust for the behoofe of their Parish, therefore also are they not inabled with any other power, then for F.N.B. 91.k. 19 H.6. 66. al contr.

for the good and profit of the Parish. So that Churchwardens can neither giue away, nor release at their owne pleasure the goods of the Church. For if the Parishioners shall find, that they doe vnprofitably waste or misspend the goods of the Parish, then may they remoue such Churchwardens, by making their choice of new: which new Officers may (by action of account) call to account the former Churchwardens, and shall thereby compel them both to giue reckoning of their doings during their office, and also to make satisfaction to the vse of the Parish for the harm that it hath receiued by their fault. And although the vsage and custome of the Parish bee, that the Churchwardens there shall continue in their office, by the space of one whole yeere, or two yeeres or more (as indeed some Parishes haue such customes) yet vpon such or the like misdemeanour found in them, may the Parishioners at all times proceed to an election of new Churchwardens, and may remoue the old, for that otherwise they haue no meane by our law to call them to their Account, but by such as shall be put in their place. Neuertheless those former Churchwardens shall (vpon the making of such their Account) haue allowance of all needfull summes of money, or other things which they haue expended, either vpon the reparation of the body of the Church,

8 E. 4. 6.

They may be remoued and brought to account.

26 H. 8. 5

Church, or for the prouision of meet and lawfull ornaments, or other furniture of the Church or Parish: because they are compellable (by the Ecclesiasticall Lawes) so to lay forth the goods of the Parish committed to their custodie and charge. They shall haue allowance also (vpon such their account) of the money payd by them for relefe of Prisoners in the common Gaole, by vertue of the Statute 14 El. cap. 5. and of whatsoeuer other thing that they are by law chargeable to doe.

They haue not to doe with lands.

4 This (in effect) is the power and charge that the common Law doth giue to Churchwardens: for as touching any estate in lands, or the profits of any lands, Churchwardens haue not to meddle at all: Insomuch, that if the walls, windowes, or doores of the Church be broken, or the trées in the Church-yard be cut downe, or the grasse thereof be eaten vp, then the Parson or Vicar (and not the Churchwardens) shall haue the action for it: because Churchwardens are not by law allowed to be a Corporation for any other thing then for moueable goods only. Now therefore I will shew how their office is increased by a few Statute Lawes, that doe concerne the same. 11 H. 3 13 11 H. 7 77 13 H. 7. 9.

Churchwardens office by the Statute.

Repaire to the Church.

5 All persons inhabitting within the Kings Maiesties Dominions, shall diligently and faithfully hauing no lawful 1 El. c. 2.

or

or reasonable excuse to be absent) endeauour themselues to resort to their parish Church or Chappel accustomed, or (vpon reasonable let thereof) to some vsuall place where common prayer & such seruice of God (as is contained in the booke of common prayer) shall be vsed in such time of let, vpon euery Sunday & other dayes ordained and vsed to be kept as holy dayes, and then and there to abide orderly and soberly during the time of the common prayer, preachings, or other seruice of God, there to be vsed and ministred vpon paine of punishment by the censures of the Church, & also vpon pain that euery person so offending, shall forfeit for euery such offence xii.d. to be leuied by the Churchwardens of the Parish where such offence shall be done, to the vse of the poore of the same Parish, of the goods, lands, and tenements of such offender by way of distresse.

6 The Constables and Churchwardens of euery Parish shall yerly vpon the Tuesday or Wednesday in Easter week, call together a number of the Parishioners, and shall then elect and chuse two honest persons of the Parish to be Surueyors and Orderers of the works for one yeere, for amendment of the Highwayes in their Parish, leading to any Market towne: which persons shall take vpon them the execution of their said offices vpon paine euery of them making Highwayes.

making default to forfeit 11.s. And the ſaid Conſtables and Churchwardens ſhall then alſo name and appoint 6. daies for the amendment of the ſaid High-waies before Midſummer then nert following: and ſhall openly in the Church the nert Sunday after Eaſter, giue knowledge of the ſame fiue dayes. And they alſo ought to haue one part of the Eſtreats indented, and ſhall call the Conſtables to account. &c. as it doth appeare before in the thirtieth article of the Conſtables office.

7 See after alſo in the office of the Surveyors of the High-wayes for levying thoſe forfeitures by the Churchwardens, if the Surveyours ſhall not levie and imploy the ſame within one yeere after the offence committed.

Refuſe to come to the Church.

8 And ſee in the 4. article of the duty of the Miniſter, that the Churchwardens may giue notice to ſuch as maintain or retain in houſe, or otherwiſe any perſon that obſtinately refuſeth to come to the Church.

Eate fleſh.

9 If any perſon within this Realme ſhall (without lawfull licence) eate any fleſh vpon any dayes now vſually obſerued, as Fiſh-dayes, he ſhall forfeit three pounds for euery ſuch offence, or elſe ſuffer three moneths impriſonment. And euery perſon within whoſe houſe any ſuch offence ſhall be done, being priuie or knowing thereof, and not effectually diſcloſing 5 El. c. 5.

diſcloſing the ſame to ſome publick officer, hauing authoritie to puniſh the ſame, ſhall for euery offence forfeit xl.s. The third part of all which forfeitures ſhall be to the vſe of the Pariſh wherein the offence ſhall be, and to be leuied by the Churchwardens after any conuiction in that behalfe.

Licence to eate fleſh.

5 El. c. 5. The licence for eating of Fleſh, to be giuen to any perſon for notorious ſickneſſe, by the Biſhop of the Dioceſſe, or by the Parſon, Vicar, or Curate of the Pariſh, ought to be regiſtred (if the ſickneſſe ſhall continue aboue 8. dayes after ſuch Licence granted) in the Church booke, with the knowledge of one of the Churchwardens there; and the party licenced ſhall giue 4. d. to the Curate for the entry thereof. See before in the duties of Church-Miniſters, Art. 3.

Poore.

43 El. c. 2 10 The Churchwardens, and foure, three, or two others of euery Pariſh, appointed by the two Iuſtices of Peace, to be Ouerſeers of the Poore there, (or the more part of them) may by the conſent of two Iuſtices, from time to time take order, for ſetting to worke all perſons married or unmarried, that haue no meanes or ordinary trade to liue by, and the children of ſuch parents as ſhall be thought vnable to maintaine them. And may alſo ſet vp any trade or myſterie for the ſame purpoſe: and may take as well Inhabitants as Occupiers of lands in

3 Car. 4.

in the Parish to pay weekly, or otherwise, such competent summes of money (as they shall think meet) for a stock of ware and stuffe for such poore to worke, and for the necessary relief of the impotent poore there, and for the putting out of such children to be Apprentices: and they to whom such Apprentices shall be put, as aforesaid, shall take, receiue, and keep them as Apprentices: and may execute all other things concerning the premisses, as to them shall seeme conuenient. 1 Iac. 15. 21 Iac. 28 3 Car. 4.

And they shall meet together once in each month at the least in the Church vpon some Sunday in the afternoone, to consider of some good course and meet orders to be set downe in the premisses, and within foure dayes after their yeare ended, and other Ouerseers nominated, shall yeeld vp to the two Iustices of Peace a perfect account of their money, stock, & other things concerning that office, and shall pay the monies that shall be in their hands to the new Churchwardens and Ouerseers, vpon paine to lose xx. s. for euery such monethly absence (without cause, to be allowed by the two Iustices) and for euery negligence in the execution of the said office, or orders made by assent of the two Iustices, as aforesaid.

And the said Churchwardens and Ouerseers (or any of them) by Warrant from

from two such Justices, may levy such rations by distresse and sale of the offenders goods, as also the money behind vpon any such account, rendring the ouerplus to the party; and they (with the leaue of the Lord of a Common or Waste, in writing) may erect there conuenient habitations, and place Inmates therein at the generall charges of the parish, &c. when the stock of the Shire is assessed by the Justices of Peace in their Quarter Session vpon euery parish, the same shall be yearly rated within the parish by agreement of all the parishioners, or in default thereof by the Churchwardens and Constables of the Parish, or the more part of them, who may levie the same by distresse, and sale of the goods of such as refuse to pay the portion thereof, & shall render the ouerplus thereof to the owner; & the Churchwardens must ratably pay ouer to the High Constable in whose limit the Parish is situate, ten dayes before the end of euery Quarter Sessions, such money as for that Parish they ought to pay for the releefe of the prisoners in the Marshalsey and Kings Bench, vpon forfeiture of ten shillings for euery default of such payment.

8 El. c. 15. & 14. l. cap. 11.

11 In euery parish, the Churchwardens with fiue other Parishioners, (to bee required by the Churchwardens) shall yearly in one of the holy dayes in

Destruction of vermin.

Eaſter wæke, and at euery other time when it ſhall be nædfull, taxe and aſſeſſe euery perſon hauing the poſſeſſion of any lands or tythes within that pariſh to pay ſuch ſummes of money as they ſhall think mæt, according to the quantity of ſuch their land or tythes. And if any ſuch perſon doe deny to pay the ſame, or doe not pay the ſame (within foureteene dayes next after requeſt thereof made by the Churchwardens, or one of them) then ſuch perſon ſhall forfeit for euery time fiue ſhillings, which (together with the ſumme aſſeſſed) ſhall be leuied by diſtreſſe, of the goods and cattels of ſuch perſon, to be taken by the Churchwardens, or one of them, the ſame diſtreſſe to be ordered and vſed, as diſtreſſes taken for amerciaments in Læts. And as well the ſaid ſummes as penalties, (if any of them be ſo leuied) ſhall be yærely by the Churchwardens, or one of them for the time being, deliuered by bils indented to two honeſt and ſubſtantiall perſons of the Pariſh, which ſhall be elected and appointed by the Churchwardens, and ſhall be named, The diſtributers of the proviſion for the deſtruction of noyſome fowle and vermine. And if the ſaid Churchwardens, fiue perſons, or Diſtributers, or any of them ſhall refuſe, or make default in the execution of any part of this Act, contrary to the forme thereof, then

But note that 18. El. ca. 15. out of which this article is collected, is now for want of continuance expired Set 24. H. 8. 10.

then ſuch offender ſhall forfeit for euery default v. li. the one moitie to the King, the other to him or them (vſing tillage yearly within the ſame Shire) that will ſue therefore in any Court of Record.

43. El. cap. 3. The money aſſeſſed at the Quarter Seſſion by the Iuſtices of Peace vpon euery Pariſh for the reliefe of diſabled Souldiers, may be rated (in default of agreement of the parithioners amongſt themſelues) by the Churchwardens and Conſtables of the Pariſh, or the more part of them: and they may leuie ſuch Rates by diſtreſſe and ſale of the goods of ſuch as refuſe to pay their rates, rendring to the owner the overplus comming of ſuch ſale; and the Churchwardens muſt collect and pay ouer to the high Conſtable, in whoſe diuiſion ſuch Pariſh is, euery ſuch ſumme ten dayes before euery Quarter Seſſion of the Peace, vnder the paine of xx. s. for euery default thereof. Souldiers money.

For the reſt of the office of the Churchwardens concerning this matter, ſee afterward in the duty of Diſtributers. See alſo in Conſtables, Art. 26. for the Gaole mony to be levied by Churchwardens. Tipling

1 Iac. c. 9 The Conſtables and Churchwardens omitting their duty in leuying the penalties of Inne-keepers, &c. ſuffering any to remaine tipling in their houſes, or ſelling Ale and Beere, otherwiſe then

by the Statute is appointed: or neglecting by 20. dayes to certifie the default of distresse in offenders against this Act, doe thereby forfeit for euery such default 40. s. to the Poore. Whereof see before in Constables, &c. 53.

Deere. Hare. Pheasant Partridge.

14. If any shall haue or keepe any Grey-hound for coursing of Deere or Hare, or setting dogge, or dogs, or net, or nets to take Pheasants or Partridges contrary to this statute of 1. Iac. ca. 27. the Churchwardes where the offence shall bee committed, or the party apprehended, are in cases therein mentioned to receiue to the vse of the Poore of the Parish, 40. s. 1. Iac. c. 27.

Present the absence from Church of Popish Recusants.

15. The Churchwardens and Constables of euery Towne, Parish, or Chappell, or some one of them are yearly to present at the Quarter Sessions the monthly absence from Church of Popish Recusants, and their childrens names aboue nine years old, and their age if they can, and the names of their seruants, vpon paine of 11. s. And if such Recusant vpon that presentment be indicted & conuicted, they are to haue a reward of 11. s. of such Recusants goods. See in Constables, &c. 56. 3. Iac. c. 4.

Repaire to Church.

16. The Churchwarden may by Warrant from one Iustice of Peace, leuie to the vse of the poore, by distresse & sale of the offenders goods, rendring the ouerplus to such offender, 12. d. for euery 3. Iac. c. 4.

default

default in not repairing to Church euery Sunday, according to the Statute of 1. El. ca. 2. See before Art. 5.

3. Iac. c. 10. 17. Where an offender committed to prison, hath not goods sufficient to defray the charge of conducting him thither, the Constable and Churchwardens, & two or three of the Parishioners may make an indifferent rate for the same, Whereof see before in Constables 24. Conueying of offenders to prison.

22. Iac. 18. 18. Where a Clothier makes deceiuable cloth by putting flockes, noyles, thrums, haire, or any other deceiuable matter into it, vpon Warrant and Certificate thereof from any two or moe Iustices of peace vnto the Churchwardens, and Ouerseers of the Poore of the parish where the same Clothier dwels, it shall bee lawfull for the same Churchwardens & Ouerseers, to leuie the forfeiture of that offence (which by the statute of 21. Iac. 18. is fiue pounds for euery cloth so made) by distresse and sale of the offenders goods, rendring vnto him the ouerplus; which forfeiture they are to distribute vnto the poore of the said Parish: And in defect of such distresse the said Iustices may commit the offender to the Gaole, there to remaine vntill payment of the said forfeiture be made vnto the said Churchwardens and Ouerseers to the vse aforesaid; for which they shall be accountable as they are for other moneis, which they are to collect to Clothing.

the vſe of the Poore by force of an Act of Parliament made in the 43. yeare of Eliz. cap. 2. See duties of Churchwardens, Art. 10.

Likewiſe two third parts of the forfeitures for want of length, breadth, or weight of clothes limited by any former Statute now in force, ſhall be leuied, diſtributed, and accounted for, as the forfeiture aforeſaid. 39 El. c. 18

19 Againe, for the Churchwardens power in leuying the penalties forfeited for keeping vnlicenced Alehouſes. See duties of Conſtables, Art. 34.

20 Laſtly for their authority in leuying the penalties forfeited for ſwearing and curſing, as alſo for profanation of the Lords day, See duties of Conſtables, Art. 59. & 60.

The office of the Supervisors, Surveyors, or Orderers of the workes for amending of the Highwayes.

VPon the ſix dayes appointed for working in the Highwayes in ſuch ſort as is before declared in the firſt Article of the Churchwardens office, euery perſon for euery plowland in tillage or paſture that he or they ſhall occupy in the ſame Pariſh, and euery other 2. & 3 P. & M. c. 8. & 5. El. c. 13 & 18 El. c. 10.

ther perſon keeping there a draught or plow, ſhall finde and ſend at euery day and place to be appointed for the amending of the wayes in the Pariſh as is aforeſaid, one waine or cart furniſhed after the cuſtome of the Country, with oxen, horſes, or other cattell, and all other neceſſaries meet to carry things conuenient for that purpoſe, and alſo two able men with the ſame, vpon paine of euery draught making default ten ſhillings. And euery other houſholder, and alſo euery cottager and labourer of that pariſh, able to labour, and being no hired ſeruant by the yeare, ſhall by themſelues, or one ſufficient labourer for euery of them, vpon euery of the ſaid fiue dayes, worke and trauell in the amendment of the ſaid Highwayes, vpon paine of euery perſon making default, to loſe for euery day twelue pence. And if the carriages of the Pariſh, or any of them ſhall not be thought needfull by the Superuiſors to be occupied vpon any of the ſaid dayes, that then euery ſuch perſon that ſhould haue ſent any ſuch carriage, ſhall ſend to the ſaid worke for euery carriage ſo ſpared, two able men, there to labour for that day, vpon paine to loſe for euery man not ſo ſent to the ſaid worke xii. d. and euery perſon and carriage aboueſaid, ſhall haue and bring with them ſuch ſhouels, ſpades, picks,

mattocks, and other toles and instruments, as they doe make their owne ditches and fences withall, & such as be necessary for their said worke. And all the said persons and carriages shall doe and keepe their workes, as they shalbe appointed by the said Superuisors, or one of them, eight houres of euery of the said dayes, vnlesse they shall be otherwise licenced by the said Superuisors, or one of them.

From henceforth it shall and may bee lawfull to all and singular Superuisor and Superuisors & Orderers, of the workes for the time being, for the amendment of the said highwayes, thereunto elected and appointed, according to the Statute made in the second and third yeare of King Philip and Quæne Mary, for the better reparation and amendment of the Highwaies within their seuerall Parishes and Limits, where they shall bee so made Superuisors (if it shall bee so to them thought necessary) to take and carry away of the rubbish, or smallest broken stones of any Quarry or Quarries, lying or being within the Parish where they shall be Superuisors, without licence, controlment, or impeachment of the Owner or Owners, so much as by their discretions shall be deemed and iudged necessary to the amendment of the said wayes. And that for default of any such Quarry or

Quarryes

Quarries, it shall and may bee lawfull for euery such Surveisor or Superuisors, for the vse aforesaid, in the seuerall grounds of any person or persons, being within the Parish and Limits where they shall bee Surveisors, and nigh adioyning to the way or wayes wherein such reparations shall bee thought necessary to be made, and wherein grauell, sand or sinder is likely to bee found, to digge, or cause to bee digged for grauell, sand, or sinder, and likewise to gather stones lying vpon any lands or grounds within the Parish, and méete to bee vsed to such seruice and purpose; therefore to take and carry away so much as by discretion of the said Superuisors shall bee thought necessary to bee imployed in the amendment of the said Highwayes. Prouided alwayes, that it shall not bee lawfull to any such Surveisor or Superuisors, by vertue of this act, to cause any rubbish to bee digged out of any Quarry or Quarries, but onely shall extend to such rubbish as shall be found there ready digged by the owner or owners of the said Quarry or Quarries, or otherwise by his or their licence and commandement, nor shall not extend to giue authority to any Surveisor or Superuisors, to digge or cause to bee digged any grauell, sand, or sinder in the house, garden, orchard, or meadow, of any person or persons,

nor

nor that it shall be lawfull by this act to any such Superuisor or Superuisors to cause any more pits to be digged for grauell in any seuerall or inclosed ground, then one onely, and that the same pit or hole so digged for grauell, as is aforesaid, shall not by any way be in breadth or length above ten yards at the most. And that euery such Superuisor as shall cause any such pit to be made and digged for grauell, sand, or cinder, as is aforesaid, shall within one month next after any such digging or pit made, cause the same to be filled and stopped vp with earth, at the cost and charge of the Parishioners, vpon paine to forfeit to the owner and owners of the soile, wherein any such pit shall be made and digged, for euery default fiue marks.

From henceforth euery such Superuisor and Superuisors, as aforesaid, shall by force of this Act, within the parish or limits where he or they shall be Superuisors, haue full power and authority to turne any such water course, or spring of water, being in any of the said Highwayes, into any ditch or ditches, of the seuerall ground or soyle of any person or persons whatsoeuer, next adioyning to the said wayes, in such manner and forme, as by the discretion of the said Superuisors shall be thought meetest and most conuenient. 5 El. c. 13

Such

Such Superuiſor or Superuiſors for the time being, within one moneth next after default or offence made, done, or committed by any perſon or perſons contrary to the proniſion, purport, and true meaning of the Statute made concerning Highwaies, in the ſecond and third yeere of King Philip and Quæne Mary, ſhal preſent euery ſuch default or offence to the next Iuſtice of Peace for the time being, vpon pain to forfeit for euery ſuch default and offence, in ſuch ſort not by them preſented, xl.s.

18 El. c. 10. Euery perſon or perſons (except ſuch as ſhall dwel in the City of London) that ſhall be aſſeſſed to the payment of any ſubſidy to his Maieſty to v.li. in goods, or xl. s. in lands, or aboue, during all ſuch time as he ſhall ſtand ſo aſſeſſed, and not altred, & being none of the parties chargeable for the amendment of highwayes by any former law, but as a cottager, ſhall finde two able men yearly to labour in the highwayes, at ſuch dayes & times, as by the ſeuerall Stat. thereof are limitted and appointed. And euery other that hereafter ſhall occupy a plowland in tillage and paſture, lying or being in ſeuerall pariſhes, ſhall be chargeable to the making of the wayes within the pariſh where he dwelleth, as far forth, and in ſuch manner and forme, as any perſon hauing a plowland in any one pariſh, is, or ought to be chargeable, by reaſon

reaſon of the ſaid former Statutes, or either of them. And euery perſon or perſons, occupying and keeping in his or their lands or poſſeſſions ſeuerall or diuers plowlands, as aforeſaid, in ſeuerall or diuers Townes, ſhall bee charged to finde in each Towne or Pariſh (where the plowlands being in his occupying doe lie) one cart, waine, tumbrell, dung-pot, or court-ſleds, carres, or drags, furniſhed for the amendment and repairing of the Highwayes, within the ſeuerall Pariſhes where the ſaid plowlands doe lie, in ſuch maner and forme, as if he or they were a Pariſhioner dwelling within the Pariſhes, where the ſame ſeuerall plowlands doe lie.

Euery perſon or perſons, that ſhall not repaire, ditch, or ſcowre any hayes, fences, ditches, or hedges, adioyning to any highway, or common fairing way, or ſhall not cut downe or keepe low all trees and buſhes growing in, or next adioyning to any the ſaid wayes, according to the true intent and meaning of the Act made in the fifth yeere of the late Q. Eliz. raigne, for euery offence committed therein, contrary to the true intent thereof, ſhall forfeit and loſe for euery default x.s. And all and euery perſon and perſons, that ſhall occupy any lands adioyning to the ground, ſo adioyning to any ſuch highway, or common fairing way, where any ditching

ing or scowring should or ought to bee, as aforesaid, shall from time to time, as need shall require, ditch & scowze in his or their ground so adioyning, whereby the water conueyed from the said highway, or common fairing way, ouer the ground next adioyning, may haue passage ouer the said ground, to next adioyning to that ground, vpon paine of forfeiture for euery time so offending, for euery Rodd not so ditched and scowzed 12. d.

No person or persons, hauing any ground by lease, or otherwise adioyning to any highway, or common fairing way, leading to any Market Towne, shall cast or scowze any ditch and throw, or lay the soile thereof into the highway, and suffer it to lye there by the space of six moneths, to the annoyance of the said highway or common fairing way, vpon paine of forfeiture for euery loade of soile, so cast into the highway, or common fairing way, in ditching or scowzing, 12. d. And where any heretofore haue beene so cast into the highway, or common fairing way, that there is a banke betweene the said way and the ditch, it shall be lawfull for the Surueyors and workmen, by the lawes and Statutes of this Realme, appointed for the amendment of the said wayes, to make sluces or other deuices by their discretions, to conuey the wa-

ter

ter out of the ſaid way into the ditch: any law, right, intereſt, cuſtome, or vſage to the contrary notwithſtanding.

Euery penalty, ſumme, or ſummes of money forfeited for any cauſe within the Statute, ſhall be leuied in euery pariſh by the Surueyors of the wayes within that pariſh for the time being, by diſtreſſe, and ſale of diſtreſſe, in maner and forme as fines or amerciaments in Leetes haue beene vſed, and the money ſo leuied to be imployed vpon the highway or common fairing way, where the offence was committed. And if the Surueyors ſhall not, or will not leuie and imploy the ſame within one yeare after the offence ſo committed, that then the ſaid ſumme or ſummes, forfeiture or forfeitures, ſhall be leuied in forme aforeſaid, by the Conſtables or Churchwardens of the towne or pariſh where the worke ought to be done in the highway (as is aforeſaid) and that he or they ſo leuying any of the ſaid penalties or forfeitures, ſhall make and yeeld ſuch account as is appointed in the before recited Statutes, or either of them.

Wealdiſh wayes.

In the Weald of Kent, Suſſex, and Surrey, the Surueyors within the Pariſhes where the highwayes ſhall be moſt annoyed, ſhall (in default of appointment by the Iuſtices of Peace) aſſigne and appoint in what places of the highwayes 39 El. cap. 19.

waies there, cinder, grauell, stone, or chalke, (to be carried by the occupiers of Iron worke) shall be layed and bestowed, vnder the paine of xl s. of euery such Surueyor for euery such default, and they shall make demand of the forfeitures of money to be paid in default of such carriages: and present euery such default of carriage or payment at the next Quarter Session of the county vpon like paine of xl. s. for euery default by them.

The Office of the Distributers of the prouision for the destruction of noysome Fowle and Vermine.

These Distributers being so chosen, and hauing money (as is before shewed in the 11. Article of the Churchwardens office) shall giue and pay of the same money so to them deliuered, to euery person that shall bring to them any heades of old Crowes, Choughs, Pyes, or Rooks taken within the seuerall Parishes, for the heads of euery three of them a peny: and for the heads of euery fiue young Crowes, Choughes, Pyes, or Rookes taken, as is aforesaid, a peny; and for euery fiue egges of any of them vnbroken, a peny: and likewise for euery 12. Stares heads a peny.

23 El. c. 15. & 14 El. c. 11. & 39 El. c. 18 But note, that 8 El. c. 15. is now expired. See 24 H. 8. 11.

All

All which said heads and egges, the said Distributers in some conuenient place shal kæpe, and shall euery month at the least bring forth the same before the said Churchwardens and Tasors, or thræ of them, and then and there to them shall make a true account in writing, what money they haue laid forth and paid for such heads and eggs and for the heads of such other rauenous birds and vermine, as are hereafter in this Act mentioned: that is to say, for euery head of Yerton, Yawkes, Fursekite, Moldkit, Buzzard, Scag, Cormorant, or Kingtaile, 2. d. and for euery two eggs of them, a peny: for euery Iron or Dspraves head, 4. d. for the head of euery Wodwall, Pie, Jay, Rauen or Kite, a peny: for the head of euery Osprey, which is called the kings fisher, a peny: for the head of euery Bulfinch, or other bird, that deuoureth the blouth of fruit, one peny: for the heads of euery Rose or grey 12. d. and for the head of euery Fitchew, Polcat, Weasell, Stote, Faire, Badger, or Wildcat, a peny; for the heads of euery Otter or Hedghog, 8. d. for the heads of euery 3. Rats, or 12. Mice a peny: for the heads of euery moldwary, or Want, an halfe peny; for the heads of euery which birds and vermine last mentioned, the last Distributers shall likewise pay and giue to the bringer of them, for euery head killed and taken within

their

their seuerall parish, as before is limited, and shall keepe the same to be shewed forth vpon their account, in manner and forme as is aforesaid. All which said heads and egges shall be forthwith after such account made in the presence of the said Churchwardens and Tayors, or of three of them, burned, consumed, or cut in sunder.

And if vpon any account to be made in the end and determination of the office of any such distributers, it shall appeare that any sum of mony is remaining in the hands of the said distributers, or any of them, then the same shall be by bill indented, as is aforesaid, deliuered ouer to such persons as be, or shalbe elected to the same office, for the yeare next following, by them to be distributed, as is aforesaid. This shall not in any wise extend, to giue any liberty or authority to any person or persons, to vse or exercise any meanes or engine for the destruction of crowes, or rooks, choughes, or other the vermine aforesaid, in any place or places, to the disturbance, let, or destruction of the building or breeding of any kind of hawkes, hernes, egrits, paupers, swans, or shouelers: to the hurt and destruction of any doues, done-houses, deere, or warren, or conies, nor extend to giue or appoint any summe or summes of money to be giuen, paid, or distributed to any person

or persons, for the head or heads of any buzzard, ring-taile, herne, polcat, stitchew, or stote, taken in any parke, warren, or ground, imployed to the maintenance of any game of conies, or to any stares taken in done-houses, nor to the killing or bringing the head of any kite or rauen killed in any city or towne corporate, or within two miles of the same.

The Conclusion.

And here for Conclusion it will not be amisse to annex unto this Treatise the effect of two late Statutes, made for ease in pleading against troublesome and contentious suits prosecuted against Constables, Churchwardens, &c. for the lawfull execution of their office: the first of which Statutes, made in the seventh yeare of the raigne of our late Soveraign Lord King Iames, followeth in these words:

For ease in pleading against many causeleſſe and contentious suits, which haue beene, and daily are commenced and prosecuted against Iustices of Peace, Maiors or Bailiffes of Cities, and Townes Corporate, Head-borowes, Portreeues, Constables, Tythingmen, Collectors of Subsidies and Fifteenes, who for due execution of their office haue beene troubled and molested 7 Iac. c. 5

lested by euill disposed and contentious persons, to their great charge and discouragement in doing of their offices: Be it therefore enacted, &c. That if any Action, Bill, Plaint, or Suit vpon the Case, Trespasse, Battery, or false Imprisonment, shall be brought after forty dayes next after the end of this Session of Parliament, in any of his Maiesties Courts at Westminster, or elsewhere, against any Iustice of Peace, Maior or Bailiffe of Citie, or Towne corporate, Headborow, Portreeue, Constable, Tythingman, Collector of Subsidie or Fifteenes, for or concerning any matter, cause, or thing by them or any of them done, by vertue or reason of their or any of their office or offices, That it shall be lawfull to and for euery such Iustice of Peace, Maior, Bailiffe, Constable, or other Officer or Officers before named, and all others which in their aide or assistance, or by their commandement shall doe any thing touching or concerning his or their office or offices, to plead the Generall Issue, that he or they are not guiltie, and to giue such speciall matter in euidence to the Iury which shall trie the same, which speciall matter being pleaded, had beene a good and sufficient matter in Law to haue discharged the said Defendant or Defendants of the Trespasse, or other matter

laid to his or their charge: And that if the verdict shall passe with the said Defendant or Defendants in any such action, or the Plaintiffe or Plaintiffes therein become Nonsuit, or suffer any discontinuance thereof, That in euery such case the Justices or Justice, or such other Judge before whom the said matter shall be tryed, shall by force and vertue of this Act, allow vnto the Defendant or Defendants his or their double costs, which he or they shall haue sustained by reason of their wrongfull vexation in defence of the said Action or Suit: for which the Defendant or Defendants shall haue like remedy, as in other cases where costs by the lawes of this Realme are giuen to the Defendants. And this Act to continue for seuen yéeres, and from thence to the end of the next Parliament after the said seuen yéeres.

The other of these two Statutes was made in the 21. yeare of our said late Soveraigne Lord King IAMES, the tenour whereof is as followeth.

Be it enacted, &c. That the said Act (viz of 7 Iac. c. 5.) shall from and after the end of this present Session of Parliament be perpetuall, and haue continuance for euer. And that all Churchwardens, & all persons called Swornemen, executing the office of Churchwardens, and all Ouerséers of the Poore, 21 Iac. c. p. 12.

Poꝛe, and all others which in their ayde and assistance, oꝛ by their commandement, shall doe any thing touching oꝛ concerning his oꝛ their office oꝛ offices, shall hereafter be enabled to receiue, and haue such benefit and helpe by vertue of the said Act to all intents, constructions, and purposes, as if they had bẽne specially named therein.

And whereas, notwithstanding the said Statute, the Plaintife is at liberty to lay his action, which he shall bring against any Justice of Peace, oꝛ other Officer in any soꝛaigne Countrey at his choice, which hath proued very inconuenient vnto sundry of the officers, & persons afoꝛesaid, that haue bẽne impleaded by some contentious and troublesome persons in Countries far remote from their places of habitations.

Be it therefoꝛe enacted, &c. That if any Action, Bill, Plaint, oꝛ suite vpon the Case, Tresspasse, Battery, oꝛ false Impꝛisonment, shall be bꝛought after the end of this pꝛesent Session of Parliament against any Justice of Peace, Maioꝛ oꝛ Bailiffe of Citie oꝛ Towne Coꝛpoꝛate, Headboꝛow, Poꝛtrẽue, Constable, Tythingman, Collectoꝛ of Subsidie oꝛ Fiftẽnes, Churchwardens, and persons called Swoꝛnemen, executing the office of churchwardens oꝛ ouerseers of the Poꝛe, and their Deputies, oꝛ any of them, oꝛ any other

which

which in their ayde or assistance, or by their commandement, shall doe any thing touching or concerning his or their office or offices, for or concerning any matter, cause, or thing, by them, or any of them done, by vertue or reason of their, or any of their office or offices, That the said Action, Bill, Plaint, or Suit shall be laid within the County, where the trespasse or fact shall be done & committed, and not elsewhere: And that it shall be lawfull to and for all, and every person and persons aforesaid, to plead thereunto the Generall Issue, that he or they are not guiltie, and to giue such speciall matter in evidence to the Jury, which shall try the same, as in, or by the said former Act is limited or declared: And that if vpon the tryall of any such Action, Bill, Plaint, or Suite, the Plaintiffe or Plaintiffes therein, shall not proue to the Jury, which shall trie the same, That the Trespasse, Battery, Imprisonment, or other fact, or cause of his, her, or their such Action, Bill, Plaint, or Suite, was or were had, made, committed or done within the Countie wherein such Action, Bill, Plaint, or Suite, shall be laid, That then in every such case the Jury which shall trie the same, shall finde the Defendant and Defendants in every such Action, Bill, Plaint, or Suit, not guil-

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tie, without hauing any regard or respect to any euidence giuen by the Plaintiffe or Plaintiffes therein touching the Trespasse, Battery, Imprisonment, or other cause, for which the same Action, Bill, Plaint, or Suit is or shall be brought: And if the verdict shall passe with the Defendant or Defendants in any such Action, Bill, Plaint, or Suit, or the Plaintiffe or Plaintiffes therein become Nonsuit or suffer any discontinuance thereof, That in euery such case, the Defendant or Defendants shall haue such double costs, and all other aduantages and remedies, as in, and by the said former act is limited, directed, and prouided.

FINIS.